3845-

SUPREME COURT OF THE UNITED STATES.

Nos. 86–87.

JOHN S. WILLIAMS, ADMINISTRATOR OF JAMES WILLIAMS, DECEASED, APPELLANT,

v.

ROBERT M. GIBBES AND CHARLES OLIVER, SURVIVING EXECUTORS OF ROBERT OLIVER, DECEASED;

AND

ROBERT M. GIBBES AND CHARLES OLIVER, SURVIVING EXECUTORS OF ROBERT OLIVER, DECEASED, APPELLANTS,

v.

JOHN S. WILLIAMS, ADMINISTRATOR OF JAMES WILLIAMS, DECEASED.

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The United States of America, District of Maryland, to wit:

At a Circuit Court of the United States for the Fourth Circuit, in and for the Maryland District, begun and held at the City of Baltimore, on the first Monday in April, in the year of our Lord one thousand eight hundred and fifty-six.

Present: The Honorable William F. Giles, Judge of Maryland District; Wm. Meade Addison, Esquire, Attorney; John W. Watkins, Esquire, Marshal; Thomas Spicer, Clerk.

Among other, were the following proceedings, to wit:

JOHN S. WILLIAMS, Adm'r of JAMES WILLIAMS,
v.
ROBERT M. GIBBES and CHARLES OLIVER,
Surviving Executors of ROBERT OLIVER.

Be it remembered, that heretofore, on the twenty-fourth day of March, in the year of our Lord one thousand eight hundred and fifty-five, the said John S. Williams, administrator of the said James Williams, by Grafton L. Dulany, his solicitor, filed in the Circuit Court here, a mandate from the Supreme Court of the United States, in the words, and of the tenor following, to wit:

Mandate.

United States of America, *ss.*

The President of the United States of America, to the Honorable, [SEAL.] the Judges of the Circuit Court of the United States, for the District of Maryland, greeting:

Whereas lately, in the Circuit Court of the United States for the District of Maryland, before you, or some of you, in a cause between John S. Williams, administrator of James Williams, deceased, complainant, and Robert M. Gibbes and Charles Oliver, surviving executors of Robert Oliver, deceased, defendants, in equity, the decree of the said Circuit Court was in the following words:

"It is thereupon, this third day of December, in the year eighteen hundred and fifty-three, by this Court, adjudged, ordered, and decreed, that the bill of the complainant be and the same is hereby dismissed; and that the complainant pay the defendants their costs of this suit, to be taxed by the clerk;" as by the inspection of the transcript of the record of the said Circuit Court, which was brought into the Supreme Court of the United States by virtue of an appeal, agreeably to the act of Congress in such case made and provided, fully and at large appears.

And whereas, in the present term of December, in the year of our Lord one thousand eight hundred and fifty-four, the said cause came on to be heard, before the said Supreme Court, on the said transcript of the record, and was argued by counsel: on consideration whereof, it is now here ordered, adjudged, and decreed, by this Court, that the decree of the said Circuit Court in this cause be and the same is hereby reversed, with costs, and that the said complainant recover against the said defendants eighty-three dollars and eleven cents for his costs herein expended, and have execution therefor.

And it is further ordered, that this cause be, and the same is hereby remanded to the said Circuit Court, for further proceedings to be had therein, in conformity to the opinion of this Court.

February 15.

You are, therefore, hereby commanded, that such execution and further proceedings be had in said cause, in conformity to the opinion and decree of this Court, as, according to right and justice, and the laws of the United States, ought to be had, the said appeal notwithstanding. Witness the Honorable Roger B. Taney, Chief Justice of said Supreme Court, the first Monday of December, in the year of our Lord one thousand eight hundred and fifty-four.

Costs of Complainant,

Clerk,	$63 11
Atty.,	20 00
	$83 11

Taxed by

WM. THOS. CARROLL,
Clerk of the Supreme Court of the United States.

Afterwards, to wit, on the second day of April, in the year of our Lord one thousand eight hundred and fifty-five, the Robert M. Gibbes and Charles Oliver, surviving executors of Robert Oliver, deceased, by Reverdy Johnson and James Mason Campbell, their solicitors, filed in the Circuit Court here, their petition, praying leave to file a supplemental answer, in the words and of the tenor following, to wit:

Petition for leave to file Supplemental Answer.

WILLIAMS' ADM'R
v.
OLIVER'S EX'RS.

In the Circuit Court of the United States, for the Maryland District.

To the Honorable the Judges of the Circuit Court of the United States, for the Maryland District, in Equity:

The petition of the defendants in this cause humbly showeth:

That the above-entitled cause has been returned to this honorable Court upon the mandate of the Supreme Court of the United States, reversing the decree heretofore pronounced by this Court, and directing further proceedings therein, in conformity with the opinion of the appellate tribunal aforesaid.

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That, by the opinion of the Supreme Court therein, it is declared that the title set up by your petitioners, in their answer, to the share in the Mexican Company of the complainant's intestate, cannot be maintained by them.

That, as a consequence of that opinion, and under the agreements and proceedings in the cause, your petitioners suppose themselves bound to account with, and pay over, to the complainant's intestate whatever may be found, upon a reference to a master, to be the amount of said share in their hands, properly belonging to said administrator.

That, on the 22d March, 1825, a power of attorney was executed to the testator of your petitioners by the person (among others), then exclusively claiming, and in possession of, and representing the share and interest of said Williams in the Mexican Company; by virtue of which he was authorized and empowered to claim, solicit payment of, and receive said share and interest of and from the Government of Mexico and its officers and authorities, and all other persons; which said power contained all the usual clauses in such instruments.

That the testator of your petitioners accepted the said power of attorney, and entered upon the performance of the duties confided to him by it, and he was authorized by its terms to do; appointed under him, as sub-attorneys, to attend to the prosecution of said claim, in virtue of said power, Dennis A. Smith, Esquire, since deceased, and John Mason, Junior, Esquire, of Georgetown, in the District of Columbia; and that their said testator, from the time of his appointment as attorney, as aforesaid, till his death in 1834, used various efforts and every diligence, as well at home as abroad, and both by himself and his delegates aforesaid, and by other persons, to forward and advance and procure the allowance of the said claim by the Mexican authorities.

That since the death of their said testator, and the recovery of the said claim, your petitioners were compelled to pay considerable sums of money to resist (which they did successfully) an alleged title thereto set up by the permanent trustee of said Williams in insolvency.

That it is just and equitable that the said share of Williams should contribute a reasonable compensation for the services rendered, as aforesaid, in its prosecution, by the testator of your petitioners; and that it should reimburse to your petitioners the sums of money paid by them in defence of the same, which defence has enured, as well as the services aforesaid, to the benefit of the present complainant.

That they desire to put in a supplemental answer, setting out the services rendered by their testator in the prosecution of said claim, under the power of attorney aforesaid, and also the payments made by them in resisting the alleged title thereto so as aforesaid set up.

That they are advised that it is safer for them to set up these their defences by supplemental answer (with the leave of the Court for filing the same first had and obtained), in order that no objection may be taken to the testimony to be adduced in support thereof, upon the ground that they have not been put in issue by the pleadings.

That the reason why said new matters thus proposed to be put on record, were not inserted in their original answer is, that they supposed themselves to be not collectors merely, but absolute owners of the said claim, under the decree of the Court of Appeals of Maryland, awarding it to them, fortified as that decree was by the refusal of the Supreme Court to interfere therewith by writ of error, and that such was the opinion and advice to them of their solicitors, and that they acted upon such opinion and advice; and that such opinion and advice, though since pronounced erroneous by the Supreme Court, was not at the time when given and under all the circumstances unreasonable.

Wherefore your petitioners pray that your honors will allow them to file their supplemental answer on oath, setting forth the new matters aforesaid.

R. M. GIBBES,
Acting Executor.

REVERDY JOHNSON,
J. M. CAMPBELL,
Solicitors for Petitioners.

State of New York, City of New York, to wit:

Be it remembered, that on this thirty-first day of March, A.D. 1855, before me, the subscriber, a commissioner appointed by the Circuit Court of the United States, in and for the Second Circuit and Southern District of New York, personally appeared Robert M. Gibbes, Esq., and made oath on the Holy Evangely of Almighty God, that the matters and things stated in the foregoing petition are true, to the best of his knowledge, information, and belief. In witness of which, I have hereto set my hand and seal, on the day and year above written.

GEO. W. MORTON, [SEAL.]
U. S. Commissioner.

United States of America, Southern District of New York,
to wit:

I, John W. Nelson, Clerk of the Circuit Court of the United States, for the Southern District of New York, Second Circuit, do hereby certify that I am well acquainted with the handwriting of Geo. W. Morton, Esquire, whose name is subscribed to the foregoing jurat, and that the signature thereto is in his proper handwriting. And I do further certify that he was, at the time of signing the same, a United States Commissioner, duly appointed under and by virtue of the acts of Congress in such case made and provided, by the Circuit Court of the United States for the Southern District of New York, Second Circuit.

[SEAL.] In witness whereof, I have hereto subscribed my name, and affixed the seal of said Circuit Court, this thirty-first day of March, A.D. 1855.

J. W. NELSON,
Clerk.

Afterwards, to wit, on the seventh day of April, in the year of our Lord one thousand eight hundred and fifty-five, the said John S. Williams, administrator as aforesaid, by his solicitor aforesaid, filed in the Circuit Court here, his answer to the foregoing petition, in the words and of the tenor following, to wit:

Answer to the Petition for Leave to File a Supplemental Answer.

Circuit Court of the United States.

WILLIAMS' ADM'R
v.
OLIVER'S EX'ORS.

The answer of John S. Williams to the petition of said executors, respectfully states:

That the prayer of said petition ought not to be granted, for the reasons following, to wit:

That it is not alleged in and by said petition that the facts therein stated, and sought to be made the subject of a supplemental answer, were newly discovered facts, since the answer to the original bill filed in the above cause; nor that they were omitted by mistake to be inserted or alleged in their said original answer; nor that petitioners desired and offered to allege and state them therein, but were prevented from so doing by the advice of their solicitors.

That the facts sought to be introduced in the proposed supplemental answer, as appears by the pleadings and proofs in the cause referred to in said petition, were known fully to said executors long before the filing of the original bill in this cause, and were omitted by said executors to be stated in their answer, as is alleged in their said petition, because of their misapprehension of the law, which, as your respondent avers, forms no ground for an application for leave to file a supplemental answer.

That the facts alluded to in said petition as the ground of the prayer therein contained, are not specially set forth and formally stated. That although it is admitted that said Robert Oliver, in his lifetime, accepted the power of attorney as stated in said petition, yet it is denied that said instrument was signed by this respondent's intestate, or that he had any contract of any sort with the said Oliver, to prosecute his claim against the said Mexican Government;

and that any claim which said executors could possibly have had, ought to have been preferred against the entire fund in the case of Thomas and White v. Dennis Smith and others, to which said executors were parties; but this respondent avers that said executors had no claim against anybody for or on account of any services rendered by said Oliver during his life, as nothing was recovered from the Mexican Government during his life, nor until five years after his death; and commissions for such services are wholly contingent in their nature upon a successful prosecution of the claims.

This respondent denies that he employed any one to resist the claim, set up in the case of Thomas and White *v.* Dennis Smith and others, by the permanent trustee of this respondent's intestate, to the fund in dispute, or that he can be liable for the services of any one employed by said executors, and not by himself; but this respondent is informed and believes, and therefore charges, that said executors did not employ or pay any one to resist the claim of said permanent trustee, otherwise than by engaging solicitors to recover the amount of said share for themselves and as their own property; and that this respondent believes, and therefore charges, that he will have to pay for the recovery of the amount of said claim or share from said executors, a sum at least as great as said expended for services rendered to them in said cause.

That the claim preferred in said petition, to be allowed compensation out of the amount coming from said executors to this respondent, is directly opposed to the decree and decision of the Supreme Court in the above cause.

That an application to put in a supplemental answer in a cause, after a decree therein, is unprecedented, and is never entertained by Courts of Equity, even after a cause has been set down for hearing.

G. L. DULANY,
H. W. DAVIS,
Solicitors for Respondents.

Afterwards, to wit, on the fifth day of May, in the year of our Lord one thousand eight hundred and fifty-five, the Court here passed an order, granting leave to the defendants to put in a supplemental answer, in the words and of the tenor following, to wit:

Order.

WILLIAMS' ADM'R
v.
OLIVER'S EXECUTORS.

The petition of the defendants for leave to file a supplemental answer, having been considered, after notice thereof to the complainant's solicitor, and argument on both sides, it is thereupon, this fifth day of May, A. D. 1855, ordered, that the defendants have leave to

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put in a supplemental answer as prayed, provided the same be filed on or before the first Monday in June next.

R. B. TANEY,
WM. F. GILES.

Afterwards, to wit, on the fourth day of June, in the year of our Lord one thousand eight hundred and fifty-five, the said defendants, by their solicitors aforesaid, filed in the Circuit Court here, their supplemental answer, in the words and of the tenor following, to wit:

Supplemental Answer.

WILLIAMS' ADM'R
v.
OLIVER'S EXECUTORS.

To the Honorable the Judges of the Circuit Court of the United States for the Maryland District, sitting in equity:

The supplemental answer in this cause of Robert M. Gibbes and Charles Oliver, surviving executors of Robert Oliver, exhibited by leave of the Court, for that purpose heretofore granted.

These respondents say, that on the 22d March, 1825, a power of attorney, for the recovery from Mexico of the claim of the Mexican Company of Baltimore, was executed to their testators by the several persons interested in or then representing said claim, and they herewith file a copy thereof, which is, to the best of their knowledge, information, and belief, a true one, and, if necessary, will endeavor to produce the original thereof, which is not, and never has been, in their possession, and which they believe was sent by their said testator to his sub-attorneys, Messrs. Mason and Smith, in the City of Mexico, and is probably either there, in the archives of the Legation of the United States, or in those of the Government of Mexico, or in the Department of State of the United States.

That their said testator accepted said power, and in the execution of it, appointed John Mason, Junior, then Secretary of Legation in Mexico, and Dennis A. Smith, his sub-attorneys, and kept up with them and the Honorable Mr. Poinsett, the American Minister, and others, a constant correspondence, extending over a series of years, in regard to the recovery of said claim.

That the said Smith and Poinsett are dead, but that John Mason, Junior, is still alive, and resides in the District of Columbia. That their said testator kept copies of the letters, or some of them, so written by him, in his letter-book, and that the originals of the letters aforesaid written to official characters, may possibly be in the archives of the American Legation in the City of Mexico. That, besides writing said letters, their said testator received many from his said sub-attorneys and other persons, on the subject of the prosecution of the said claim, some of which are in their possession, and ready to be produced and proved when required.

That their said testator diligently prosecuted said claim from 1825 until his death, in 1834, by himself and his sub-attorneys, and rendered every service which was possible for any one residing out of Mexico to render in its prosecution, and they believe and charge that his unceasing efforts to obtain its payment from the Mexican Government, contributed materially to the obtention of the relief finally afforded by means of the Convention of 1839 between Mexico and this country.

That they believe, and therefore charge, that the said James Williams was living in this State during the whole period, from 1825 to 1834, and afterwards, but that he never took any part in the efforts made for the recovery of said claim, or gave any assistance thereto, and that the same was wholly abandoned by him, and that he considered himself as having passed the same to his trustee in insolvency, and that he did so pass it as far as practicable by law, and that he looked upon his said trustee as invested with the property in his share of said claim, and full control over the same, as far as regarded its collection and receipts.

That after the death of their said testator, his executors, in continuation of his efforts and fully cognizant of the authority aforesaid given him, labored, both personally, and through agents, by correspondence and otherwise, to obtain payment of said claim.

That, with the exception, as they believe, of Mr. Dennis A. Smith and Mr. Lyde Goodwin, none of the parties interested in the claim aforesaid on Mexico took any part in its prosecution, from the year 1825, and that (with the said exception) the prosecution thereof was wholly carried on as aforesaid by their said testator and themselves, and they verily believe and charge that but for the attention paid thereto by their said testator and themselves, the said claim would not only not have been recovered, but would not have been even presented within the time required by the convention, and so with the evidence thereof would have been wholly lost by laches to every one concerned.

That the utmost that could be realized for a ninth of said claim, in 1825, was the sum of $2,000, and that it ultimately became of the value of upwards of $40,000; and they believe, and therefore charge that such increase of value was mainly due to the untiring efforts and expenditures of their testator, and to their own continuation thereof after his death; and in view of the facts herein before set forth, these respondents claim such allowance for the services aforesaid as they shall prove, under the circumstances of the case, to be a fair compensation therefor.

And these respondents further say, that the suit on the equity side of Baltimore County Court, mentioned in their original answer, in which a distribution was made of the award on the Mina claim, or claim of the Mexican Company of Baltimore, was instituted on the 4th October, A.D. 1841, and on the same day the said Court passed an order directing notice by advertisements in certain public papers, to be given to all persons interested in the claim of the Mexican Company of Baltimore on the Government of Mexico, to present their vouchers properly authenticated to the auditor appointed by said Court, on or before the 1st day of February, 1842; and that subsequently to the passage of said order, to wit, on the 29th January, 1842, and before any claim was presented to said Court on behalf of these respondents, Nathaniel Williams, Esquire, as permanent trustee of James Williams, the complainant's intestate, filed his petition in said Court, asserting his title, as such trustee, to the interest of James Williams in the claim of the Mexican Company of Baltimore on the Government of Mexico; and that the said Nathaniel Williams made these respondents and their deceased co-executor, Thomas Oliver, parties defendant to said petition, and called upon them to answer the same, and that they did answer said petition as they were bound to do, and in and by their said answer did deny and contest the title set up in said petition by said Williams, as permanent trustee of the complainant's intestate, to the share of said James Williams, in the claim of the Mexican Company of Baltimore upon the Government of Mexico; and that they employed counsel to file their said answer; and that upon argument of the counsel on both sides, the Court decided and decreed against the title so set up as aforesaid in said petition; and that thereupon the said Nathaniel Williams appealed from said decision and decree to the Court of Appeals of the Western Shore of Maryland; and that upon said appeal the counsel of these respondents, as well as the counsel of said petitioner, were heard; and that the said Court of Appeals affirmed the decision and decree below, denying the title set up by said Nathaniel Williams as trustee as aforesaid; and that thereupon the said Nathaniel Williams sued out a writ of error, for the purpose of reviewing and reversing the said decision and decree of the Court of Appeals aforesaid, in the Supreme Court of the United States; and that a motion to dismiss said writ of error was made in said Supreme Court by the counsel of these respondents, and was there argued by them and the counsel of the said petitioner; and that on said motion the said writ of error was dismissed; and these respondents were obliged to pay large sums of money to their said counsel for their services in resisting, in the said several Courts, the title set up by said petitioner in said petition, which they are ready to prove as this Court may direct.

And these respondents further say, that they are advised and believe that in default of the resistance by them made to the title set up by the said petitioner in his said petition, the said petitioner would have recovered the share of the complainant's intestate in the

Mexican Company's claim aforesaid, and the said complainant, who never intervened in the said cause, would have been wholly barred the recovery thereof, and that the resistance so made has enured to the benefit of the complainant; and that the necessary expenses, incurred as aforesaid in such resistance, form a fair and valid claim in equity against the said complainant, who, and who only, has realized the advantage thereof, and that the same ought to be allowed to these respondents against said complainant, and they claim the same accordingly.

REVERDY JOHNSON,
J. MASON CAMPBELL,
Defendant's Solicitors.

State of New York, City of New York, to wit:

Be it remembered, and it is hereby certified, that on this 31st day of May, A.D. 1855, before me, the subscriber, a commissioner appointed by the Circuit Court of the United States in and for the Second Circuit and Southern District of New York, to take affidavits, &c., personally appeared Robert M. Gibbes, Esquire, and made oath on the Holy Evangely of Almighty God, that the matters and things stated in the foregoing answer are true to the best of his knowledge and belief.

In witness whereof, I have hereto set my hand and seal at said city on the day and year above written.

[SEAL.] GEO. W. MORTON,
U. S. Commissioner, Southern Dist. New York.

United States of America, Southern District of New York, to wit:

I, John W. Nelson, clerk of the Circuit Court of the United States for the Southern District of New York, Second Circuit, do hereby certify that I am well acquainted with the handwriting of George W. Morton, whose name is subscribed to the foregoing jurat, and that the signature to the same is in his proper handwriting. And I do further certify that he was at the time of signing the same a United States Commissioner, duly appointed under and virtue of the acts of Congress in such case made and provided, by the Circuit Court of the United States, for the Southern District of New York.

[SEAL.] In witness whereof, I have hereto subscribed my name and affixed the seal of said Circuit Court, this thirty-first day of May, Anno Domini 1855.

JOHN W. NELSON,
Clerk.

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Power of Attorney referred to in the Foregoing Supplemental Answer.

United States of America, State of Maryland, to wit:

Know all men by these presents, that we, the undersigned, have made, ordained, authorized, constituted and appointed, and by these presents do make, ordain, authorize, constitute and appoint Robert Oliver, Esquire, of the City of Baltimore, merchant, our true and lawful attorney for us, in our names or otherwise to claim, solicit payment of, and receive of and from the Government of Mexico, or of and from any council, minister, tribunal, or other authorities, or officer or officers of that government, and of and from all other persons whom it doth, shall, or may concern, all and every sum and sums of money or other equivalent therefor, which now is or are, or hereafter may be awarded to a company of merchants known by the name of the Mexican Company of Baltimore, for and on account of certain supplies of money, goods, effects and merchandise furnished by said Mexican Company of Baltimore to General Xavier Mina, commander of an expedition which sailed from the Port of Baltimore in the year one thousand eight hundred and sixteen for Mexico, to aid in the emancipation of that country from the Government of Spain; and the better to enable our said attorney the more effectually to execute the above purposes, we, the said undersigned, hereby authorize and empower our said attorney to make and present to said Government of Mexico, councils, ministers, tribunals or other authorities, or officer or officers of said government, any memorial or memorials, petition or petitions, remonstrance or remonstrances, relative to said claim, as he may think proper, and in case of need to use and take all lawful ways and means to recover and receive the sum or sums of money hereinbefore mentioned, and for what may be received, in due form of law to execute and deliver requisite and sufficient receipts, releases, and acquittances, and to compound, compromise, conclude and agree for the same by   or otherwise, as our said attorney shall think fit and most beneficial, with power also an attorney or attorneys under him for the purpose aforesaid to make and substitute, and again at pleasure to revoke, and generally in and about the premises to do, execute, and perform, all whatsoever the said constituents might or could by being personally present, as fully and effectually to all intents and purposes, hereby ratifying and confirming all and whatsoever our said attorney or his substitute or substitutes shall or may lawfully do or cause to be done by virtue hereof.

And we the said undersigned do by these presents hereby revoke, annul, and countermand, and to all intents and purposes make null and void and of none effect, a letter of attorney heretofore given to Dennis A. Smith and General James Wilkinson, and all powers and authorities therein and thereby made, granted, and given to said Dennis A. Smith and General James Wilkinson, in and about our said claim upon the Government of Mexico aforesaid.

In witness whereof we have hereunto set our hands and seals, the twenty-second day of March, in the year of our Lord one thousand eight hundred and twenty-five.

LYDE GOODWIN, [L. S.]
JNO. SULLIVAN, [L. S.]
Surviving partner of the firm of Jere. & Jno. Sullivan.
GEO. WINCHESTER, [L. S.]
Assignee of J. Williams.
BENJN. C. HOWARD, [L. S.]
One of the Trustees of Hollins & McBlair.
GEO. WINCHESTER, [L. S.]
Trustee of J. Gooding.
CHARLES F. MAYER, [L. S.]
One of the Trustees of John Hollins, Michael McBlair, and John Smith Hollins, for self and his Co-Trustees, David Hoffman, Benjamin C. Howard, and Robert S. Hollins.
DAVID HOFFMAN, [L. S.]
One of the Trustees of Hollins and McBlair aforesaid.
JOHN GLENN, [L. S.]
One of the Assignees of Thomas Sheppard.
EDWARD MORGAN, [L. S.]
One of the Assignees of Thomas Sheppard.
ROBERT S. HOLLINS, [L. S.]
One of the Trustees of Hollins and McBlair.
H. SCHWARTZE, [L. S.]
Assignee of P. A. Guestier,
Assignee of Descaves & Mercier.

Signed, sealed, and delivered,
in the presence of
Jno. Gill,
Notary Public.
Robert H. Lowry.

United States of America, State of Maryland, to wit:

Be it remembered, that on the twenty-second day of March, one thousand eight hundred and twenty-five, before me, John Gill, Notary Public, by letters patent under the great seal of the State of Maryland, commissioned and duly qualified, residing in the City of Baltimore, in the State aforesaid, personally appeared John Sullivan, surviving partner of the firm of Jere. & John Sullivan, to me, notary, known as such; George Winchester, assignee of James Williams, to me, notary, known as such; George Winchester, trustee of John Gooding, to me, notary, known as such; Charles F. Mayer, one of the trustees of John Hollins, Michael McBlair, and John Smith Hollins, to me, notary, known as such; David Hoffman, one of the trustees of Hollins and McBlair, to me, notary, known as such; John Glenn, one of the assignees of Thomas Sheppard, to me, notary, known as such; Edward Morgan, one of the assignees of Thomas Sheppard, to me, notary, known as such; Robert S. Hollins, one of the trustees of Hollins & McBlair, to me, notary, known as such; Henry Schwartze, assignee of P. A. Guestier, assignee of Descaves & Mercier, to me, notary, known as such; Lyde Goodwin and Benjamin C. Howard, one of the trustees of Hollins & McBlair, to me, notary, known as such,—and severally acknowledge the preceding letter of attorney to be their act and deed for the uses and purposes therein mentioned. In testimony whereof, I have hereunto set my hand and affixed my notarial seal, the day and year first above written.

JNO. GILL,
Notary Public.

Letter of Attorney from Robert Oliver to John Mason, Junior, and Dennis A. Smith, Esquires.

Know all men by these presents, that I, Robert Oliver, of Baltimore, Attorney, named in the foregoing letter of attorney from John Sullivan, and others, to me, do hereby substitute and appoint John Mason, Junior, Esquire, of Georgetown, District of Columbia, and Dennis A. Smith, Esquire, of Baltimore, about to proceed to Mexico, jointly; and, in the event of the decease of either of them, then the survivor of them, attorneys under me, to do and perform all and singular the several acts, matters, and things, which I am authorized to do by virtue of said foregoing letter of attorney, and do all lawful acts requisite for effecting the premises, hereby ratifying and confirming all that my said substitutes shall do therein by virtue thereof.

In witness whereof, I have hereunto set my hand, and affixed my seal, the twenty-fourth day of March, in the year of our Lord one thousand eight hundred and twenty-five.

ROBERT OLIVER, [L. S.]

Signed, sealed, and delivered,
in presence of
Roswell L. Colt,
Jno. Gill,
Notary Public.

United States of America, State of Maryland, to wit:

Be it known, that on the twenty-fourth day of March, one thousand eight hundred and twenty-five, before me, John Gill, Notary Public, dwelling in the City of Baltimore, in the State aforesaid, came Robert Oliver, party to the within letter of substitution, and acknowledged the same to be his act and deed.

In testimony whereof, I have hereunto set my hand, and affixed my notarial seal, the day and year aforesaid.

[L. S.] JNO. GILL,
Notary Public.

The State of Maryland, to wit:

I, Thomas Culbreth, Clerk of the Executive Council of the said State of Maryland, do hereby certify, that John Gill, Esqr., whose name is subscribed to the aforegoing certificates, was, at the time of signing the same, and now is, one of the Notaries Public of the City of Baltimore, duly commissioned and authorized, and that, to all acts by him done in that capacity, full faith and credit is and ought to be given.

In testimony whereof, I have hereunto set my hand this twenty-sixth day of March, in the year of our Lord one thousand eight hundred and twenty-five.

THO. CULBRETH,
Clerk.

Maryland, *sct.*

In testimony that Thomas Culbreth, Esquire, is clerk to the Executive Council of the State of Maryland, I have hereto set my hand, and affixed the great seal of the said State, this twenty-sixth day of March, in the year of our Lord one thousand eight hundred and twenty-five.

[L. S.] RAMSAY WATERS,
Reg. Cur. Can.

(Indorsed.)

Power of Attorney from the Mexican Company of Baltimore, to Robert Oliver, and from Robert Oliver to Dennis A. Smith and John Mason, Junr., on the 24th March, 1825.

Appertaining to No. 4 (red ink).—These powers of Attorney have not been translated, as it was not deemed requisite. The one from the Company to Robert Oliver is alluded to in the memorial.

To all to whom these presents shall come, greeting:

I certify, that Thomas Culbreth, whose name is subscribed to the annexed document, is, and was at the time of signing the same, clerk of the Executive Council of Maryland; and that Ramsay Waters, whose name is also signed to the said document, is, and was at the time of signing the same, Register of the Court of Chancery of Maryland, duly appointed and commissioned, and that full faith is due to all their acts as such.

In testimony whereof, I, Henry Clay, Secretary of State of the United States, have hereunto subscribed my name, and caused the seal of the Department of State to be affixed.

[L. S.] Done at the City of Washington, this thirtieth day of March, A.D. 1825, and of the Independence of the United States of America the forty-ninth.

H. CLAY.

United States of America, Department of State.

To all to whom these presents shall come, greeting: I certify that the annexed paper is a true copy of a document presented to the Board of Commissioners on Claims against Mexico, in the case of Oliver and others, and now on file in this department, with other documents appertaining to cases adjudicated by said commission.

[L. S.] In testimony whereof, I, William L. Marcy, Secretary of State of the United States, have hereunto subscribed my name, and caused the seal of the Department of State to be affixed. Done at the City of Washington, this twenty-eighth day of September, A. D. 1855, and of the Independence of the United States of America the eightieth.

W. L. MARCY.

And now, on the same day, the said complainant, by his solicitor aforesaid, filed in the Circuit Court here, his general replication to the aforegoing supplemental answer in the words following, to wit:

General Replication.

Circuit Court of the United States, in Equity.

Replication.

The replication of John S. Williams, administrator of James Williams, deceased, complainant, to the joint and separate amended answer of Charles Oliver and Robert M. Gibbes, executors of Robert Oliver, defendants, to the bill of complaint of the above complainant. These respondents, saving to themselves all manner of exception to the errors and insufficiencies of said answer, for replication thereunto say, that they will aver and prove their said bill to be true, certain, and sufficient in the law to be answered unto; and the said answer of the said defendants is uncertain, untrue, and insufficient to be replied unto by this respondent. All which matters and things this repliant is and will be ready to aver and prove, as this honorable Court shall direct, and humbly prays, as in and by his said bill he hath already prayed.

G. L. DULANY,
Solicitor for Complainant.

Afterwards, to wit, on the same day the said complainant, by his solicitor aforesaid, filed in the Circuit Court here, a petition, in the words and of the tenor following, to wit:

Petition of the Complainant for an Order of Court on the Defendants to bring the Fund into Court.

Circuit Court of the United States for the District of Maryland.

JOHN S. WILLIAMS, Adm'r of JAMES WILLIAMS,
v.
ROBERT M. GIBBES and CHARLES OLIVER,
Ex'rs of ROBERT OLIVER.

To the Honorable Roger B. Taney and William F. Giles, Judges of the said Court:

The petition of John S. Williams respectfully states to your honors, that by the decision of the Supreme Court of the United States, he is entitled to the funds sued for in the above cause.

That the said funds consisted (on the eleventh day of April, eighteen hundred and fifty) of the following stocks and sums of money, to wit:

$3,998 55	of United States five per cent. loan, . . .	$3,998 55
32,093 03	of United States six per cent., ...	34,262 24
	In money, ...	3,045 64

as will appear by the proceedings in this cause.

That on the day last aforesaid, said executors of Robert Oliver received all said stocks and money, since when there has been a large increase thereof in dividends, and interest upon dividends and reinvestments, to all which said executors have and claim no title, though your petitioner believes, that whilst said executors claim no title to or in said sums, yet they pretend there is some claim or demand for services rendered, on account of which they ought to receive compensation out of a part thereof, but to what amount they have not said, nor does your petitioner know, although he avers that said executors ought to have stated, and ought now to state precisely, what they do claim of said stocks and money, and forthwith to deliver and pay over the remainder and balance thereof to your petitioner, and to bring into Court the part so claimed by them, subject to the future order and disposition of the Court.

Therefore, your petitioner prays and moves the Court here, that, according to the accustomed practice of courts of equity in such cases, an order may be passed directing the said executors forthwith to pay over to said administrator all the stocks and money aforesaid not claimed by them for their compensation as aforesaid, and bring into this Court all the said stocks, or the certificates thereof, and sums of money, with all the increase and accumulations so claimed by them for their compensation, to await the decision of this Court on said claim, and to be subject to the future order and disposition of this honorable Court, and that said executors shall forthwith state the amount of their claim; and for such other and further relief as his case may require, and as in duty bound he will ever pray, &c.

G. L. DULANY,
Solicitor for Petitioner.

(Indorsed.)

Motion overruled, 5th July, 1856.

WILLIAM F. GILES.

On the ninth day of June, in the year of our Lord one thousand eight hundred and fifty-five, the Court here made and passed the following order, to wit:

Order.

Ordered, that the foregoing petition be set down for hearing on the first Monday in November next.

WILLIAM F. GILES.

9th June, 1855.

On the same day, to wit, the ninth day of June, in the year of our Lord one thousand eight hundred and fifty-five, the Circuit Court here made and passed an order of reference to a special master, in the words following, to wit:

Order of Reference.

Circuit Court of the United States.

JOHN S. WILLIAMS, Adm'r of
JAMES WILLIAMS,
v.
OLIVER'S EXECUTORS.

Ordered, on this ninth day of June, 1855, that the papers in the above cause be referred to Levin Gale, a commissioner and master of this Court, for his examination and report, and that he receive and examine such evidence and witnesses as may be adduced before him by either party on the usual notice.

WILLIAM F. GILES.

Afterwards, to wit, on the ninth day of May, in the year of our Lord one thousand eight hundred and fifty-six, the Master in Chancery filed in the Circuit Court here, his report, accounts, and exhibits in the words and figures following, to wit:

Master's Report.

In the Circuit Court of the United States, for the Fourth Circuit, in and for the District of Maryland.

JOHN S. WILLIAMS, Adm'r of JAMES WILLIAMS,
v.
ROBERT M. GIBBES and CHARLES OLIVER, Exrs. of ROBERT OLIVER.

To the honorable the Judges of the Circuit Court of the United States, for the Fourth Circuit, in and for the District of Maryland:

The undersigned, special master, to whom the papers in the above cause were referred, respectfully reports:

That he gave notice to the respective parties, and proceeded to take such evidence as was offered by either party, which evidence, together with a statement of all the proceedings before the master, is herewith returned; that, from the papers in the cause, and from the evidence taken before the master, he submits the following statement of facts, that is to say:

It appears that the Board of Commissioners under the convention of 1839, between the Governments of the United States and Mexico, awarded a large fund to Glenn and Perine, in trust, for certain persons forming what was called the Mexican Company, or whoever might be entitled thereto. The complainant's intestate was one of the original members of the Mexican Company, and held one-ninth interest in the same. This share, the Court of Appeals of Maryland, in the case of Thomas and White v. Dennis A. Smith and others, awarded to the defendants, as executors of Robert Oliver, and said share, together with the accumulations and profits derived from investments made by Glenn and Perine, the trustees, was paid off and transferred on the 11th of April, 1850, in the following manner, that is to say, in money, $3127. In United States five per cent. loan, $4097 74, and in United States six per cent. loan $32,847 77. Of these respective amounts in money and stock, nine-tenths were actually paid, transferred, and delivered to the defendants, and the remaining tenth was paid, transferred, and delivered to Reverdy Johnson, Esq., the counsel of the defendants.

These payments and transfers were made by Glenn and Perine, the trustees, in pursuance of an attachment issued by the Court of Appeals, at the instance of the defendants, and the said Reverdy Johnson, to enforce the decree passed by the said court, awarding the share of the complainant's intestate to the defendants. One-tenth of which decree had been entered by the said Reverdy Johnson to his own use, in pursuance of an agreement between him and the defendants, by which he was to receive that percentage, in the event of succeeding in sustaining their claim to the fund in the case then pending.

On the 7th day of September, 1851, the defendants received from the Government of the United States, on account of the share of the complainant's intestate in the Mexican Company, the further sum of $118 81, in money.

On the 29th day of December, 1851, the United States five per cent. loan was paid off by the Government at par. The United States six per cent. loan does not appear to have been yet paid off, but is now outstanding, bearing interest at the rate of six per cent. per annum, payable semi-annually.

It also appears that the money and stocks which the defendants thus received, on account of the share of complainant's intestate, was paid, transferred, and delivered on the 3d and 6th of January, 1852, by the defendants, to Robert M. Gibbes, Charles Oliver, Allen Thomas, and Columbus O'Donnell, the then trustees, under the last will and testament of defendant's testators.

It was, however, agreed between the parties to this cause, that five-eighths of the fund sued for should be considered as in the hands of the defendants.

It also appears that the defendants (besides the ten per cent. received by Mr. Johnson), paid various sums for counsel fees, and other expenses incurred in asserting their right to the share of the complainant's intestate in the Mexican Company; which sums will be found particularly stated, and the objects for which they were paid, in the testimony of David M. Perine, set forth in the proceedings before the master. They also paid divers sums in resisting the claim of the complainants in this cause. These last sums, as well as the objects for which they were expended, will also be found set forth in the testimony of Mr. Perine.

It also appears that Robert Oliver, the defendant's testator, in his lifetime used great exertions to obtain from the Government of Mexico a recognition of the claim of the Mexican Company, and endeavored, for many years, and by various means, to obtain from the said government the payment of the money claimed to be due to said company; and that to promote these objects he employed various agents, and carried on a correspondence with several persons.

It also appears that the defendants, after the death of the said Robert Oliver, employed agents to have the said claim allowed by the Board of Commissioners, held under the before-mentioned convention between the governments of the United States and Mexico. The said claim was recognized by the Board of Commissioners, and the fund now in controversy, in consequence, awarded to Glenn and Perine, as trustees for whosoever might be entitled to the same.

Several witnesses were examined to prove the value of the services thus rendered by the said Robert Oliver and the defendants. Their testimony is in substance that, in the opinion of the witnesses, fifty per cent. of the amount recovered would be considered a reasonable compensation for such services as were performed by Oliver and the defendants, if performed by an agent employed for that purpose, such agent undertaking to pay his own expenses, and to receive no compensation, except in the event of success.

It further appears, that the said Robert Oliver was not a member of the said Mexican Company, but that, at the time of his using the exertions to procure the allowance and payment of the claim of the Mexican Company from the Government of Mexico, he claimed to own the shares and interests of several members of said company, and that the defendants, as executors of the said Robert Oliver, did, after his death, also claim to own and hold the same shares and interests as his representatives, and so claimed when they prosecuted the claim of the Mexican Company before the Board of Commissioners. That among the shares and interests in the Mexican Company claimed by the said Robert Oliver in his lifetime, and by the defendants, as his executors, after his death, was the share now in controversy, and which, by the decree of the Supreme Court of the United States in this cause, has been adjudged to belong to the complainant as the representative of his intestate.

It further appears, that Dennis A. Smith was one of the members of the Mexican Company, and holder of two shares thereof; that he assigned said shares to trustees for the benefit of his creditors, and that they agreed that he should retain one-half of the proceeds, provided he would proceed to Mexico, and attempt the recovery of the said claim; and it further appears, that the said Dennis A. Smith subsequently assigned to Robert Oliver his remaining or half interest, and that the defendants, as executors of Robert Oliver, did receive the said interest of the said Dennis A. Smith in the proceedings in the aforesaid cause of Thomas and White v. Dennis A. Smith and others. It further appears, that Robert Oliver received a power of attorney, authorizing him to prosecute the claim of the Mexican Company, and to employ agents for that purpose, from various persons professing to be members of the Mexican Company or assignees of the interest of members thereof; and, among others, from a person who claimed to represent the complainant's intestate, as permanent trustee under the insolvent laws of Maryland, but whose right to represent the complainant's intestate has since been held to be invalid. But that it does not appear that either the said Robert Oliver or the defendants were ever authorized or employed by the said complainant or the complainant's intestate to prosecute the said claim either against the Government of Mexico or before the Board of Commissioners.

It further appears, that the executors of Robert Oliver became parties to the said cause of Thomas and White v. Dennis A. Smith and others, and that in the proceedings in the said cause they claimed the share of the complainant's intestate in the said Mexican Company as belonging to them as the representatives of the said Robert Oliver, and that their claim was in that cause allowed, and the share awarded to them.

They also claimed the share and interest of Lyde Goodwin, and the one-half of the shares of Dennis A. Smith, and were allowed the same, and did receive and retain the funds awarded to them as holders of those shares and interests.

It further appears, that the defendants did in the said cause claim to be allowed, and were allowed, for various sums paid by the said Robert Oliver, and also for sums paid by themselves in and about the prosecution of the claim of the Mexican Company against Mexico, and before the Board of Commissioners; but it does not appear that in that cause they claimed any amount as a compensation to the said Robert Oliver or themselves, for the personal exertions of the said Robert Oliver or themselves, in prosecuting the claim of the said Mexican Company.

On this state of facts, the master understands the defendants to contend, that they are liable to complainant for only five-eighths of the fund; and also, that they are entitled to the following allowances or deductions, viz.:

1. The sums paid by them for counsel fees, &c., in asserting their claim to their share of complainant's intestate in the case of Thomas and White v. Dennis A. Smith and others.
2. The sums paid by them for counsel fees, &c., in defending this suit.
3. That they are not responsible for the ten per cent. received by R. Johnson, Esq.
4. To one-half of the fund as a compensation to the said Robert Oliver and themselves, for services rendered in obtaining the fund.

All these claims have been disallowed by the master. He has charged the defendants with the whole amount, and not with five-eighths only, because he understands the Supreme Court, in its opinion, to have decided, that whatever distribution or disposition of the fund the executors may have made, such distribution or disposition not having been made under the sanction of a Court authorized to direct the same, does not protect the defendants, and they are therefore to be treated as still in possession of the whole fund.

The master has not allowed any deductions for sums expended by defendants, in asserting their claim to the fund, as he cannot perceive any reason why the complainants should be chargeable with the same. Even if it were admitted that the defendants would have a meritorious demand for expenses incurred in prosecuting a claim against a fund they were not entitled to, and thereby accidentally preserving it for the complainant, the lawful owner; yet it does not appear that any such service was rendered in this case; inasmuch as it has been decided by the Court that the complainant's rights could not have been affected by any determination in that cause. Much less can the master perceive any reason why the defendants should be entitled to an allowance for resisting the claim of the present complainant; on the contrary, he holds that the defendants are liable to the complainant for his costs, incurred by him in this cause.

The master has charged the defendants with the amount received by Reverdy Johnson, Esq., their counsel, although the same does not appear to have actually come to their hands, because he deems the receipt of it, by Mr. Johnson, under the circumstances, to have been the receipt of the defendants; it having been so received by virtue of a contract with the defendants for services performed for their benefit, and in pursuance of an order from their attorney, which they do not appear ever to have contested.

The master has not allowed compensation for the services rendered by Robert Oliver and the defendants, in prosecuting the claim of the Mexican Company.

1st. Because there is no evidence that Robert Oliver, or the defendants, were employed by the complainant's intestate, or by the complainant; and, being themselves interested in the said fund, as assignees of Dennis A. Smith and Lyde Goodwin, their exertions for the common benefit of themselves and the other parties interested in the Mexican Company, did not entitle them to compensation for their services, unless expressly stipulated for and agreed to.

2d. Because the said Robert Oliver and the defendants, instead of prosecuting the same for or on account of the complainant's intestate, or the complainant, they did so, claiming this share as their own; and, being defeated in that purpose, can have no rightful claim against the party whom they sought to deprive of the fund.

3d. Because the services performed by the said Robert Oliver, were services which he was bound to perform, in order to entitle him or his executors to receive the portion which the defendants did receive, as assignees of Dennis A. Smith.

4th. Because, if entitled to any compensation at all, the claim was against the whole fund; and the defendants, having been parties to the suit in which that fund was distributed, set up no claim for compensation, but only for expenses incurred, which were allowed and paid to them.

5th. Because, by the agreement of the parties to this cause, the accounts reported by the auditor, in the case of Thomas and White v. Dennis A. Smith and others, is to be taken as accurately ascertaining the amount of the share of complainant's intestate in the funds awarded to the Mexican Company; with liberty to increase or diminish the amount thereof, by additional items, or charges, or credits, since such settlement. The claim set up, occurred long prior to that settlement; and was a claim, if a proper one, against the whole fund, not particularly against the share in controversy in this cause; and

6th. Because the said Robert Oliver did not, in fact, succeed in recovering the claim; but the same was recovered after his death, by reason of a convention between the United States and Mexico.

The master has, from the evidence and papers in the cause, stated the account herewith returned, marked *A*. In this account he has charged the defendants with the money received *received* by them, including therein the portion paid to R. Johnson, Esquire, also with the dividends on the stock, at the times when the same were payable. And he has also charged them with interest on the money and dividends received, from the times of their respective dates, up to the 7th day of April, 1856, to which time the account is made out. The five per cent. loan having been paid off, he has charged the amount so received as money. The six per cent. loan being still outstanding, he has charged them specifically with the said loan. By this account there appears to be due to the complainant, in money, including interest, up to the 7th day of April, 1856, $22,866 94, and the sum of $32,847 77, specifically in United States six per cent. loan in certificates. To this is to be added the complainant's costs; which, not having been taxed, the master was unable to add into the account. By the defendants' solicitors' directions, the master has stated nine other accounts, which are herewith returned, marked respectively, *Accounts B, C, D, E, F, G, H, I*, and *K*.

The master also reports that, at the request of the defendants' solicitor, he paid to witnesses, summoned on the part of the defendants, for attendance before him, and itinerant charges, and for summoning said witnesses, the sum of $12 50 (that is, $25 in two cases, of Williams and Gooding, one-half charged to each) which he asks may be charged as part of the defendants' costs.

The master also asks, that he may be allowed for his services, in stating the accounts, taking testimony, and making this report, the sum of $250.

All which is respectfully submitted,
LEVIN GALE.

Account A.

Containing a Statement of the Amounts due from Defendants to Complainant as stated by the Master.

1850, April 11.	To amount, as of the share of complainant's intestate, in the Mexican Company, awarded to the executors of Oliver, and paid this day in money, including the alleged interest of George P. Stevenson,	$3,127 00
1851, Sept. 7.	To amount retained on account of George P. Stevenson's share, this day paid to the executors of Oliver, as of share of complainant's intestate, in the said Company, ...	118 81
Dec'r 29.	To amount of 5 per cent. United States loan, awarded to executors of Oliver, as of complainant's	

intestate's share in said company, transferred on 11th April, 1850, and paid off by the United States this day at par,	$4,097 74
1850, August 10. To semiannual dividend on $4,097 74 cts., five per cent. loan,	102 44
1851, Feby. 10, do. do.	102 44
Aug. 10, do. do.	102 44
1850, July 1. To semiannual dividend on $32,847 77, six per cent. loan,	985 43
1851, Jany. 1, do. do.	985 43
July 1, do. do.	985 43
1852, Jany. 1, do. do.	985 43
July 1, do. do.	985 43
1853, Jany. 1, do. do.	985 43
July 1, do. do.	985 43
1854, Jany. 1, do. do.	985 43
July 1, do. do.	985 43
1855, Jany. 1, do. do.	985 43
July 1, do. do.	985 43
1856, Jany. 1, do. do.	985 43
April 7. To interest on $3,127, from 11th April, 1850, to this day,	1,123 64
April 7. Interest on $118 81, from 7th Sept., 1851,	32 67
Do. Interest on dividends, from time of their respective receipts to this day,	2,234 60
	$22,866 94
To amount of 6 per cent. loan of the United States, awarded to the executors of Oliver, as of the share of complainant's intestate in the Mexican Company, transferred 11th April, 1850,	32,847 77
To amount due from the defendants to the complainant, in money, including interest to 7th April, 1856,	22,866 94
To amount due from the defendants to the complainant, in certificates of six per cent. loan of the United States,	32,847 77
To amount of costs incurred by complainant, to be taxed by the Clerk,	

Account B.

Containing the Account No. 1, directed to be stated by the Defendants' Counsel.

1850, April 11. To amount, as of the share of complainant's intestate in the Mexican Company, actually received in money by the executors of Oliver (excluding the portion received by R. Johnson, Esqu'r),	$2,814 31

1851, Sept. 5. To amount retained on account of Stevenson's share, and this day paid to executors of Oliver, as of share of complainant's intestate, ...	$118 81
Decr. 29. To amount of 5 per cent. United States' loan, actually received by the executors of Oliver, as of complainant's intestate share in said company, and this day paid off at par, ...	3,687 97
1850, August 10. To semi-annual dividend on $3,687 97 cts., five per cent loan, ...	92 20
1851, Feby. 10, do. do.	92 20
1850, July 1. To semi-annual dividend on $29,563 00, six per cent. loan, ...	886 89
1851, Jany. 1, do. do.	886 89
July 1, do. do.	886 89
1852, Jany. 1, do. do.	886 89
July 1, do. do.	886 89
1853, Jany. 1, do. do.	886 89
July 1, do. do.	886 89
1854, Jany. 1, do. do.	886 89
July 1, do. do.	886 89
1855, Jany. 1, do. do.	886 89
July 1, do. do.	886 89
1856, Jany. 1, do. do.	886 89
	$17,540 37
Deduct amount of money paid out by defendants on account of the share of James Williams in the Mexican, as shown by statement of D. M. Perine, . . .	3,920 17
	$13,620 20
Deduct one-half as compensation to Oliver and his executors, ...	6,810 10
	$6,810 10
To amount of six per cent. United States loan, actually transferred to the executors of Oliver (excluding portion transferred to R. Johnson), ...	29,563 00
Deduct one-half as compensation to Oliver and his executors, ...	14,781 50
	$14,781 50
To amount due by defendants to complainant in money, .	6,810 10
To amount due by defendants to complainant in certificates of six per cent. United States loan, . . .	14,781 50

Account C.

Containing the Account No. 2, directed to be stated by Defendant's Counsel.

To amount of money and dividends actually received by the executors of Oliver, as shown by Account B., .	$17,540 37
Deduct amount of money paid out by defendants on account of the share of James Williams, prior to 1st April, 1852, as shown by statement of D. M. Perine,	2,791 39
	$14,748 98
Deduct one-half as compensation to Oliver and his executors, ...	7,374 49
	$7,374 49
To amount of United States six per cent. loan, actually transferred to executors of Oliver, as shown by Account B., ...	$29,563
Deduct one-half as compensation to Oliver and his executors, ...	14,781 50
	$14,781 50
To amount due by the defendants to the complainant in money, ...	$7,374 49
To amount due by the defendants to the complainant in certificates of United States six per cent loan, .	14,781 50

Account D.

Containing the Account No. 3, directed to be stated by Defendant's Counsel.

To amount of money and dividends actually received by the executors of Oliver, as shown by Account B.,	$17,540 37
Deduct one-half as compensation to Oliver and his executors, ...	8,770 18
	$8,870 19
To amount of United States six per cent. loan, actually transferred to executors of Oliver, as shown by Account B., ...	$29,563
Deduct one-half as compensation to Oliver and his executors, ...	14,781 50
	$14,781 50

To amount due by defendants to the complainant in money, ...	$8,770 19
To amount due by defendants to complainant in certificates of United States six per cent. loan, ...	14,781 50

Account E.

Containing the Account No. 4, directed to be stated by Defendant's Counsel.

To five-eighths of the money and dividends actually received by the executors of Oliver, as shown by the Account B., ⅝ of $17,540 37, . . .	$10,962 73
Deduct amount of money paid out by defendants on account of the share of James Williams, as shown by statement of D. M. Perine, ...	3,920 17
	$7,042 56
Deduct one-half as compensation to Oliver and his executors, ...	3,521 28
	$3,521 28

To five-eighths of the United States six per cent. loan, actually transferred to the executors of Oliver, as shown by Account B., viz., ⅝ of $29,563, . .	$18,476 87
Deduct one-half as compensation to Oliver and his executors, ...	9,238 43
	$9,238 44

To amount due by defendants to complainant in money,	$3,521 28
To amount due by defendants to complainant in certificates of United States six per cent loan, ...	9,238 44

Account F.

Containing the Account No. 5, directed to be stated by Defendant's Counsel.

To five-eighths of the money and dividends actually received by the executors of Oliver, as shown by Account B., viz., ⅝ of $17,540 37, . . .	$10,962 73
Deduct amount of money paid by defendants on Account of the share of James Williams, prior to 1st April, 1850, as shown by statement of D. M. Perine, . .	2,791 39
	$8,171 34

Deduct one-half as compensation to Oliver and his executors, ...	4,085 67
	$4,085 67
To five-eighths of the United States six per cent. loan actually transferred to the executors of Oliver, as shown by Account B., viz., ⅝ of $29,563, . . .	$18,476 87
Deduct one-half as compensation to Oliver and his executors, ...	9,238 43
	$9,238 44
To amount due by defendants to complainant in money,	$4,085 67
To amount due by defendants to complainant in certificates of United States six per cent. loan, . . .	9,238 44

Account G.

Containing the Account No. 6, directed to be stated by Defendant's Counsel.

To five-eighths of the money and dividends actually received by the executors of Oliver, as shown by Account B, viz., ⅝ of $17,540 37, ...	$10,962 73
Deduct one-half as compensation to Oliver and his executors, ...	5,481 36
	$5,481 37
To five-eighths of the United States six per cent. loan actually transferred to the executors of Oliver, as shown by Account B, viz., ⅝ of $29,563, ...	$18,476 87
Deduct one-half as compensation to Oliver and his executors, ...	9,238 43
	$9,238 44
To amount due by defendants to complainant in money,	$5,481 37
To amount due by defendants to complainant in certificates of United States six per cent. loan,. . .	9,238 44

Account H.

Containing the Account No. 7, directed to be stated by Defendant's Counsel.

To five-eighths of the money and dividends actually received by the executors of Oliver, as shown by Account B, viz. ⅝ of $17,540 37,.	$10,962 73

Deduct, as compensation to Oliver and his executors, one-half of the money and dividends actually received, as shown by Account B, viz., one-half of $17,540 37,	8,770 18
	$2,192 55
Deduct amount of money paid by defendants on account of the share of James Williams, as shown by statement of D. M. Perine, ...	3,920 17
Excess of deductions over amount received in money, .	$1,727 62
To five-eighths of the United States six per cent. loan actually transferred to executors of Oliver, as shown by Account B, viz., ⅝ of $29,563, ...	$18,476 87
Deduct, as compensation to Oliver and his executors, one-half of the United States six per cent. loan actually transferred to the executors, as shown by Account B, viz., one-half of $29,563, ...	14,781 50
	$3,695 37
Deduct for $1729 62 its equivalent in United States six per cent. loan, at the value at which it was awarded to the executors of Oliver, viz., $106 75 to the $100, .	1,844 23
To amount due by defendants to complainant in certificates of United States six per cent. loan, ...	$1,851 14

Account J.

Containing the Account No. 8, directed to be stated by Defendant's Counsel.

To five-eighths of the money and dividends actually received by the executors of Oliver, as shown by Account B, viz., ⅝ of $17,540 37, ...	$10,962 73
Deduct amount of money paid by defendants on account of the share of James Williams, prior to 1st April, 1852, as shown by statement of D. M. Perine, . .	2,791 39
	$8,171 34
Deduct, as compensation to Oliver and his executors, one-half of the money and dividends actually received, as shown by Account B, viz., one-half of $17,540 37,	8,770 18
Excess of deductions over amount received in money, .	$598 84

To five-eighths of the United States six per cent. loan

actually transferred to the executors of Oliver, as shown by Account B, viz., ⅝ of $29,563,	$18,476 87
Deduct, as compensation to Oliver and his executors, one-half of the United States six per cent. loan actually transferred to the executors, viz., one-half of $29,563,	$14,781 50
Balance to complainant in stock,	$3,695 37
Deduct for $583 18 in money, its equivalent in the United States six per cent. loan, at the value at which it was awarded to the executors of Oliver, viz., $106 75,	639 26
To amount due by defendants to complainant in certificates of United States six per cent. loan at par,	$2,956 11

Account K.

Containing the Account No. 9, directed to be stated by Defendant's Counsel.

To five-eighths of the money and dividends actually received by the executors of Oliver, as shown by Account B., viz.; ⅝ of $17,540 37,		$10,962 73
Deduct as compensation to Oliver and his executors one-half of the money and dividends actually received, as shown by Account B., viz., one-half of $17,540 37,		8,770 18
		$2192 55
Deduct amount of money paid by defendants on account of the share of James Williams, as shown by statement of D. M. Perine,	$3920 17	
Deduct $2000 paid by Oliver on 2d April, 1825, to the permanent trustee of James Williams, with interest to 9th April, 1856,	5719 33	
		$9639 50
Excess of deduction over amount received in money,		$7446 95
To five-eighths of the United States six per cent. loan actually transferred to executors of Oliver, as shown by Account B., viz., ⅝ of $29,563,		$18,476 87

Deduct as compensation to Oliver and his executors, one-

half of the United States six per cent. loan, actually transferred to executors, as shown by Account B., viz., ½ of $29,563, ...	$14,781 50
	$3,695 37

To excess of deduction in money over the amount received, greatly exceeding the remainder left on the United States six per cent. loan, there is nothing due by this amount to complainant, either in money or certificates of loan.

In the Circuit Court of the United States, for the District of Maryland.

JOHN S. WILLIAMS, Adm'r of JAMES WILLIAMS,
v.
ROBERT M. GIBBES and CHARLES OLIVER, Exrs. of ROBERT OLIVER.

Proceedings before Levin Gale, Special Master.

The master having at various times appointed days for the taking of testimony and receiving evidence, of which due notice could not be given because of the absence of the solicitors for the defendants, at length gave notice to the solicitors of the respective parties that he would receive evidence at his office, No. 34 St. Paul's Street, in the City of Baltimore, on the 21st day of September, 1855, on which day Grafton L. Dulany, Esquire, appeared on behalf of the complainant, and J. M. Campbell, Esquire, appeared on behalf of the defendants; and David M. Perine was produced on behalf of the complainant, and was by me duly sworn; and G. L. Dulany, Esqr., proceeded to examine the said witness on behalf of the complainant; but the said witness stating in answer to questions propounded to him, that the matters inquired into related to numerous matters of account which it was impossible for him to answer without examination into many papers and books, it was agreed by the solicitors for the respective parties, that Mr. Dulany should inform the witness what information and evidence he desired to obtain, and that witness should make the necessary examinations, and report to the master so soon as he was prepared to give evidence thereof.

That on the 15th October, 1855, the solicitors of the respective parties being present after due notice given to them, the said David M. Perine appeared before me, and being examined on behalf of the complainants in answer to verbal questions propounded by G. L. Dulany, Esquire, the said David M. Perine, deposed, answered, and said as follows, to wit:

Evidence of David M. Perine, Witness for Complainant.

That he has not at this time a personal recollection of all the facts now inquired of him, but upon reference to the books and papers in his possession, it appears that the amount of the fund awarded to the executors of Robert Oliver, deceased, by the decree of the Court of Appeals of Maryland, as of the shares of James Williams and John Gooding, was follows, viz., in certificates, the sum of $42,827 73$\frac{1}{3}$, and in money $16,321 71, "together with all interests, profits, or accumulations thereon, which may have arisen and been received by them, the said trustees (Glenn and Perine), on account of said certificates, or on account and from any investment of any proceeds of the same, or any investment of the said proceeds, or of the said sum decreed to be paid in money, which may have been made under the order and direction of the Court below," as will more fully appear by reference to the said decree, bearing date the 23d June, 1849. It also appears by the decree of the Court below (being Baltimore County Court, sitting as a Court of Equity), bearing date the 5th day of December, 1846, among other things, that the trustees, Glenn and Perine, were ordered to distribute to the executors of Robert Oliver, for the shares of John Gooding and James Williams, in certificates, $42,827 73$\frac{1}{3}$, and in money, $16,321 71, as will also more fully appear by reference to said last-mentioned decree.

It also appears by the final report made by the deponent and his co-trustee, John Glenn, to the Court of Appeals of Maryland, under date of the 23d May, 1850, and filed in said Court on the 24th May, 1850, that after the 5th day of December, 1846, the Mexican certificates, mentioned in said decree, were paid off, and the amount received for the same, together with the money then in the hands of the trustees, Glenn and Perine, was invested by them under the orders and decrees of Baltimore County Court, and that after having made said investments in obedience to said orders and decrees, the deponent and his co-trustee aforesaid made a report from time to time of all their proceedings in relation to the funds in their hands as trustees to the said Court, as will more fully appear by reference to their 9th, 10th, 11th, 12th, 13th, 14th, 15th, 16th, and 17th reports, filed in said Court after the said 5th day of December, 1846, and which reports contain all the particulars of said investments as well as of all money or funds which came to the possession of the trustees after the said 5th day of December, 1846; and as the said reports are voluminous, the deponent supposes it to be unnecessary for him to incorporate them in this deposition, but begs leave respectfully to refer all parties interested in the same to said reports, now on file in said Court, for full and minute information on this subject.

It also appears, by said final report, made to the Court of Appeals of Maryland, under date of the 23d May, 1850, as aforesaid, that this deponent and his co-trustee aforesaid, in obedience to the orders and decrees of said Court of Appeals, passed on the 23d day of June, 1849, and of the attachment issued by said Court of Appeals on the 23d March, 1850, to compel a compliance with said orders and decrees, and of the orders and decrees of Baltimore County Court, of the 5th December, 1846, paid, transferred, and delivered over to the parties entitled by said orders and decrees and attachments, all the stocks, funds, and money, as directed by said orders, decrees, and attachments, and which was all the stocks, funds, and money, then in the hands of the deponent and his co-trustee aforesaid; and that neither the deponent nor his co-trustee did ever receive, as trustees aforesaid, any further stocks, funds, or money, on account of said trust; after making their said final report, on the 23d May, 1850; and that all the stocks, funds, and money, which they or either of them received on account of said trust, was embraced in their several reports, made to the Court as aforesaid; and that neither the deponent or his co-trustee did at any time use any of the money or funds which they held as trustees aforesaid; but that the same as received by them was deposited in bank, in their joint names, as trustees of Mexican claims, and only drawn out of said bank when necessary, to comply with the orders of Court, and for that purpose only. By the said final report, and the exhibits thereto made to the Court of Appeals of Maryland, under date of 23d May, 1850, as aforesaid, it further appears, among other things, that the whole amount of the stocks, funds, and money, which were then in the hands of the deponent, and his co-trustee, for the party or parties entitled to the shares of James Williams and John Gooding, were, on the 11th day of April, 1850, in obedience to the said orders, decrees, and attachments, transferred and delivered over, as follows, viz.:

To Reverdy Johnson: the following being 10 per cent. of the portion formerly held on account of the share of James Williams, viz.:

$399 85 of United States 5 per cent. loan, . .	$399 85
$3209 30 of United States 6 per cent. loan, at .	3426 23
And in money, ...	304 56
To	$4130 64

To Robert M. Gibbes, and Charles Oliver, surviving executors of Robert Oliver, deceased, the following, viz.:

$3,598 70 of U. States 5 per cent. loan, at	$3,598 70	
$28,883 72 of U. States 6 per cent. loan, at	30,836	
And in money, ...	2,741 07	
		37,175 77
		$41,306 41

Being the portion formerly held, on account of the share of James Williams.

To Reverdy Johnson, the following, being 10 per cent. of the portion formerly held on account of the share of John Gooding; viz.:

$399 85 of United States 5 per cent. loan, at . .	$399 85
$3209 30 of United States 6 per cent. loan, at . .	3426 23
And in money, ...	304 56
	$4130 64

Amount, .		$4,130 64
To Robert M. Gibbes and Charles Oliver, surviving executors of Robert Oliver, deceased, the following, viz.:		
$3,598 70 of United States 5 per cent. loan, at	$3,598 70	
$28,883 72, of U. States 6 per cent. loan, at	30,836	
And in money, ...	2,741 07	
		37,175 77
		$41,306 41

Being the portion formerly held on account of the share of John Gooding.

It also appears, by the said final report, of the 23d May, 1850, that certain stocks and money were held by the deponent and his co-trustee, for an alleged interest of George P. Stevenson in the fund, but which were, in obedience to the said orders, decrees, and attachments, transferred and delivered over to the parties entitled, as directed by said orders, decrees, and attachments; and, among others, the following portion was transferred and delivered on the 11th April, 1850, as follows, viz.:

To Robert M. Gibbes and Charles Oliver, surviving executors of Robert Oliver, deceased:

$357 08 of United States 5 per cent. loan, at . .	$357 08
$2717 11 of United States 6 per cent. loan, at . .	2902 45
And in money, ...	292 97
	$3552 50

Being for four-sevenths of alleged interest of George P. Stevenson.

One of those four-sevenths was in right of the share of James Williams; and one other of the four-sevenths was in right of the share of John Gooding. Each one-fourth aforesaid, would therefore be as follows, as near as it could be made, viz.:

$89 27 of United States 5 per cent. loan, at . .	$89 27
$679 28 of United States 6 per cent. loan, at . .	725 61
And in money, ...	73 24
	$888 12

In addition to which, the deponent and his co-trustee aforesaid, transferred and delivered over, in pursuance of said orders, decrees, and attachments, to Reverdy Johnson, in kind, 10 per cent. of the amount of stocks and money, which were held by them for the alleged interest of George P. Stevenson, in the fund as aforesaid, as will more fully appear by said final report.

And the deponent further saith, that it appears, by the books of the executors of Robert Oliver, that they received from the Government of the United States, on the 5th day of September, 1851, the further sum of $118 81 in money, being one-seventh of the amount retained by Thomas and White, on account of G. P. Stevenson's share; and which said $118 81 was so received on account of the share of James Williams; and a like sum of $118 81 was also received, by said executors, at the same time, on account of the share of John Gooding.

And it also appears, by said books, that the whole amount of the 5 per cent. loan on stock, mentioned in the previous and subsequent part of this deposition, so far as the same was received by said executors, was paid off by the Government, to the said executors, on the 29th December, 1851, at par.

And it also appears, by the books and papers of the said executors, that the whole amount of the money and stock, which the said executors received, as aforesaid, on account of the shares of James Williams and John Gooding, was, on the 3d and 6th January, 1852, paid, transferred, and delivered over, by them, to Robert M. Gibbes, Charles Oliver, Allen Thomas, and Columbus O'Donnell, the then trustees, under the last will and testament of the said Robert Oliver; and, as this deponent was informed at the time, was so paid, transferred, and delivered over to the said trustees, by the said executors, in pursuance of the advice and direction of their counsel, Reverdy Johnson, Esq., who stated to them it was their duty then to make such payment, transfer, and delivery.

And the deponent further saith, that it also appears, by said final report and the exhibits thereto, made to the Court of Appeals of Maryland, under date of the 23d May, 1850, as aforesaid, that this deponent and his co-trustee aforesaid did, on the 11th day of April, 1850, in obedience to the orders and decrees of said Court of Appeals, passed on the 23d June, 1849, and of the attachment issued by said Court of Appeals, on the 23d March, 1850, to compel a compliance of said orders and decrees, paid, transferred, and delivered over to the parties entitled by said orders, decrees, and attachments, the whole amount of the stocks, funds, and money, which were then in the hands of the deponent and his co-trustee, for the party or parties entitled to the share and interest of Lyde Goodwin, that is to say,

To Reverdy Johnson the following, viz., being 15 per cent. of the portion formerly held on account of the claim of Lyde Goodwin's legal representatives, for 5 per cent. commission:

$386 28 of United States 5 per cent. loan, at .	$386 28
$3024 60 of United States 6 per cent. loan, at .	3228 48
And in money, ...	292 84
	$3907 60

To Robert M. Gibbes and Charles Oliver, surviving executors of Robert Oliver, deceased, the following, viz.:

$2,188 95 United States 5 per cent. loan, at	$2,188 95	
$17,136 37 of U. States 6 per cent. loan, at	18,294 78	
And in money, . . .	1,659 39	
		22,143 12
		$26,050 72

Being the portion formerly held on account of the claim of Lyde Goodwin's legal representatives of 5 per cent. commission.

To Reverdy Johnson the following, being 15 per cent. of the portion formerly held on account of the share of Lyde Goodwin, viz.:

$599 78 of United States 5 per cent. loan, at .	$599 78
$4813 95 of United States 6 per cent. loan, at .	5139 34
And in money, ...	456 84
	$6195 96

To Robert M. Gibbes and Charles Oliver, surviving executors of Robert Oliver, deceased, the following, viz.:

$3,398 77 of United States loan, at . . .	$3,398 77
$27,279 08 of United States 6 per cent. loan, at .	29,122 90
And in money, ...	2,588 40
	$41,306 43

Being the portion formerly held on account of the share of Lyde Goodwin.

It also appears, by said final report of the 23d May, 1850, that certain stocks and money were held by the deponent and his cotrustee for an alleged interest of George P. Stevenson in the fund, but which were in obedience to the said orders, decrees, and attachments, transferred and delivered over to the parties entitled, as directed by said orders, decrees, and attachments, and among others the following portion was transferred and delivered, on the 11th April, 1850, as follows, viz.:

To Robert M. Gibbes and Charles Oliver, surviving executors of Robert Oliver, deceased.

$357 08 of United States 5 per cent. loan, at .	$357 08

$2717 11 of United States 6 per cent. loan, at .	$2902 45
And in money, ...	292 97
	$3552 50

Being for four-sevenths of the alleged interest of George P. Stevenson.

One of those four-sevenths was in right of the share of Lyde Goodwin, and was as follows, as near as it could be made, viz.:

$89 27 of United States 5 per cent. loan, at . .	$89 27
$679 28 of United States 6 per cent. loan, at .	721 61
And in money, ...	73 24
	$888 12

In addition to which, the deponent and his co-trustee transferred and delivered over, in pursuance of said orders, decrees, and attachments, to Reverdy Johnson, in kind, 10 per cent. of the amount of the stocks and money, which were held by them, for the alleged interest of George P. Stevenson in the fund as aforesaid, as will more particularly appear by said final report.

And it also appears by the books of the said executors, that they received from the Government of the United States, on the 5th of September, 1851, the further sum of $118 81 in money, being one-seventh of the amount retained by Thomas & White on account of George P. Stevenson's share, and which said $118 81 was so received on account of the share held by Lyde Goodwin. And it also appears by the books of the said executors, that they received from the Government of the United States, on the said 5th September, 1851, the further sum of $3084 12 in money, on account of the amount retained by Thomas & White for 5 per cent. commission to said Lyde Goodwin. It also appears by the books of the said executors, that they received 5 per cent. interest on all the 5 per cent. loan mentioned above in this deposition, from the 10th February, 1850, to the 10th August, 1851; and that they also received 6 per cent. interest on the 6 per cent. loan mentioned above in this deposition, for that portion they received on account of the shares of James Williams and John Gooding, from 1st January, 1850, to the 6th of January, 1852, when the same was transferred and delivered over to the trustees under the will of Robert Oliver, as heretofore stated in this deposition; and that the said executors also received 6 per cent. interest on all the 6 per cent. loan above-mentioned in this deposition, for that portion they received on account of the share and commission of Lyde Goodwin, from the 1st January, 1850, to 2d July, 1855. That the interest on all the 5 per cent. loan was payable semiannually, on the 10th day of February and August in each year, and that

$386 28 of United States 5 per cent. loan, at	$386 28
$3024 60 of United States 6 per cent. loan, at	3228 48
And in money,	292 84
	$3907 60

To Robert M. Gibbes and Charles Oliver, surviving executors of Robert Oliver, deceased, the following, viz.:

$2,188 95 United States 5 per cent. loan, at	$2,188 95	
$17,136 37 of U. States 6 per cent. loan, at	18,294 78	
And in money,	1,659 39	
		22,143 12
		$26,050 72

Being the portion formerly held on account of the claim of Lyde Goodwin's legal representatives of 5 per cent. commission.

To Reverdy Johnson the following, being 15 per cent. of the portion formerly held on account of the share of Lyde Goodwin, viz.:

$599 78 of United States 5 per cent. loan, at	$599 78
$4813 95 of United States 6 per cent. loan, at	5139 34
And in money,	456 84
	$6195 96

To Robert M. Gibbes and Charles Oliver, surviving executors of Robert Oliver, deceased, the following, viz.:

$3,398 77 of United States loan, at	$3,398 77
$27,279 08 of United States 6 per cent. loan, at	29,122 90
And in money,	2,588 40
	$41,306 43

Being the portion formerly held on account of the share of Lyde Goodwin.

It also appears, by said final report of the 23d May, 1850, that certain stocks and money were held by the deponent and his cotrustee for an alleged interest of George P. Stevenson in the fund, but which were in obedience to the said orders, decrees, and attachments, transferred and delivered over to the parties entitled, as directed by said orders, decrees, and attachments, and among others the following portion was transferred and delivered, on the 11th April, 1850, as follows, viz.:

To Robert M. Gibbes and Charles Oliver, surviving executors of Robert Oliver, deceased.

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And in money, ...	292 97
	$3552 50

Being for four-sevenths of the alleged interest of George P. Stevenson.

One of those four-sevenths was in right of the share of Lyde Goodwin, and was as follows, as near as it could be made, viz.:

$89 27 of United States 5 per cent. loan, at . .	$89 27
$679 28 of United States 6 per cent. loan, at .	721 61
And in money, ...	73 24
	$888 12

In addition to which, the deponent and his co-trustee transferred and delivered over, in pursuance of said orders, decrees, and attachments, to Reverdy Johnson, in kind, 10 per cent. of the amount of the stocks and money, which were held by them, for the alleged interest of George P. Stevenson in the fund as aforesaid, as will more particularly appear by said final report.

And it also appears by the books of the said executors, that they received from the Government of the United States, on the 5th of September, 1851, the further sum of $118 81 in money, being one-seventh of the amount retained by Thomas & White on account of George P. Stevenson's share, and which said $118 81 was so received on account of the share held by Lyde Goodwin. And it also appears by the books of the said executors, that they received from the Government of the United States, on the said 5th September, 1851, the further sum of $3084 12 in money, on account of the amount retained by Thomas & White for 5 per cent. commission to said Lyde Goodwin. It also appears by the books of the said executors, that they received 5 per cent. interest on all the 5 per cent. loan mentioned above in this deposition, from the 10th February, 1850, to the 10th August, 1851; and that they also received 6 per cent. interest on the 6 per cent. loan mentioned above in this deposition, for that portion they received on account of the shares of James Williams and John Gooding, from 1st January, 1850, to the 6th of January, 1852, when the same was transferred and delivered over to the trustees under the will of Robert Oliver, as heretofore stated in this deposition; and that the said executors also received 6 per cent. interest on all the 6 per cent. loan above-mentioned in this deposition, for that portion they received on account of the share and commission of Lyde Goodwin, from the 1st January, 1850, to 2d July, 1855. That the interest on all the 5 per cent. loan was payable semiannually, on the 10th day of February and August in each year, and that the interest on all the said 6 per cent. loan was also payable semi-annually, on the first of January and July in each year.

And the deponent further saith, that it doth not appear that the said executors received any funds of any kind on account of the shares of James Williams and John Gooding, or Lyde Goodwin, or for the commissions of Lyde Goodwin, until the 11th day of April, 1850, since which time the said executors have purchased no stock of any kind, or made any investments of any kind, or loans of any kind, except the following, if such can be considered: that is to say, the said executors deposited with Alexander Brown & Sons (bankers), on the 17th July, 1850, the sum of $10,500 on interest, at 4 per cent. per annum; and on the 10th January, 1851, the further sum of $5,500, on interest, at 4 per cent. per annum; and that in the month of January, 1852, the said Alexander Brown & Sons returned to the said executors the whole of the said $16,000 so deposited with them as aforesaid, together with the sum of $872, for interest due on the same at 4 per cent. per annum, as above mentioned. On the 30th day of January, 1852, the said executors deposited in the Union Bank of Maryland, on interest at 4 per cent. per annum, the sum of $14,000, and on the 2d of January, 1854, the further sum of $4,000, on interest, at 4 per cent. per annum, which two latter sums, amounting together to $18,000, is still on deposit in said Bank, in the names of the said surviving executors.

And the deponent further saith: It appears, by the books of the said executors, that they have neither paid over any money, or transferred any stocks, or funds of any kind, to the trustees under the will of Robert Oliver, or to any of his heirs or legatees, since the time they paid over the money and transferred the stock which they then held on account of the shares of James Williams and John Gooding, to wit, on the 3d and 6th January, 1852.

And all money, received by the said executors since the time they administered on the estate of the said deceased, to wit, on the 10th June, 1835, was always deposited in bank in their joint names, as executors of the said Robert Oliver, from time to time, as received by them, and was never used by them for their individual purposes at any time, but was always used exclusively for the estate of the said Robert Oliver. That all the debts due by the said Robert Oliver at the time of his decease, was paid off by his executors as soon after his decease as they could command the necessary funds to do so, the greater portion having been paid within twelve months from the time they administered, and all of them paid several years since; the last one having been paid anterior to the 1st January, 1850. That the whole amount of assets which the executors had in their hands on the 10th day of April, 1850, was $458 98, and which was in money.

That the amount of assets which they had in their hands on the 21st August, 1852, was as follows, viz.:

$45,100 of United States 6 per cent. loan, at . .	$48,148 91

$14,000 on deposit in the Union Bank, at 4 per cent. per annum,	14,000 00
And in money,	2,287 36
	$64,436 27

That the amount of assets which they had in hand on the 28th November, 1853, was as follows, viz.:

$45,100 of United States 6 per cent. loan, valued at	$48,148 91
$14,000 on deposit in the Union Bank, at 4 per cent. per annum,	14,000 00
And in money,	2,598 47
	$64,747 38

That the amount of assets which the said executors have now in hand, that is, on the fifteenth day of October, 1855, is as follows, viz.:

$45,100 of United States 6 per cent. loan, at	$48,148 91
$18,000 on deposit, in the Union Bank of Maryland, at 4 per cent. per annum,	18,000 00
And in money,	744 81
	$66,893 72

And that the certificates for the said $45,100 of United States loan, is now deposited in a box belonging to said executors in the said Union Bank. It also appears, by said books and papers of said executors, that the above $45,100 of United States 6 per cent. loan, was received by the executors from the deponent and his co-trustees aforesaid, on the 15th of April, 1850, and retained by said executors to abide the result of the suits brought to recover the same on account Lyde Goodwin's share and commissions, and which was as follows, viz.:

$17,136 37,	of United States 6 per cent. loan, received, and retained on account of Lyde Goodwin's claim, to 5 per cent. commission, at		$18,294 78
$27,297 08,	of same, on account of his share, at	$29,122 90	
$679 28,	of same, on account of his portion on account of G. P. Stevenson's share,	$725 61	$29,848 51
			$48,143 29

$45,094 73	
5 27	a fraction of D. A. Smith's share.
$45,100 00	

the interest on all the said 6 per cent. loan was also payable semi-annually, on the first of January and July in each year.

And the deponent further saith, that it doth not appear that the said executors received any funds of any kind on account of the shares of James Williams and John Gooding, or Lyde Goodwin, or for the commissions of Lyde Goodwin, until the 11th day of April, 1850, since which time the said executors have purchased no stock of any kind, or made any investments of any kind, or loans of any kind, except the following, if such can be considered: that is to say, the said executors deposited with Alexander Brown & Sons (bankers), on the 17th July, 1850, the sum of $10,500 on interest, at 4 per cent. per annum; and on the 10th January, 1851, the further sum of $5,500, on interest, at 4 per cent. per annum; and that in the month of January, 1852, the said Alexander Brown & Sons returned to the said executors the whole of the said $16,000 so deposited with them as aforesaid, together with the sum of $872, for interest due on the same at 4 per cent. per annum, as above mentioned. On the 30th day of January, 1852, the said executors deposited in the Union Bank of Maryland, on interest at 4 per cent. per annum, the sum of $14,000, and on the 2d of January, 1854, the further sum of $4,000, on interest, at 4 per cent. per annum, which two latter sums, amounting together to $18,000, is still on deposit in said Bank, in the names of the said surviving executors.

And the deponent further saith: It appears, by the books of the said executors, that they have neither paid over any money, or transferred any stocks, or funds of any kind, to the trustees under the will of Robert Oliver, or to any of his heirs or legatees, since the time they paid over the money and transferred the stock which they then held on account of the shares of James Williams and John Gooding, to wit, on the 3d and 6th January, 1852.

And all money, received by the said executors since the time they administered on the estate of the said deceased, to wit, on the 10th June, 1835, was always deposited in bank in their joint names, as executors of the said Robert Oliver, from time to time, as received by them, and was never used by them for their individual purposes at any time, but was always used exclusively for the estate of the said Robert Oliver. That all the debts due by the said Robert Oliver at the time of his decease, was paid off by his executors as soon after his decease as they could command the necessary funds to do so, the greater portion having been paid within twelve months from the time they administered, and all of them paid several years since; the last one having been paid anterior to the 1st January, 1850. That the whole amount of assets which the executors had in their hands on the 10th day of April, 1850, was $458 98, and which was in money.

That the amount of assets which they had in their hands on the 21st August, 1852, was as follows, viz.:

$45,100 of United States 6 per cent. loan, at . .	$48,148 91

$14,000 on deposit in the Union Bank, at 4 per cent. per annum, ...	14,000 00
And in money, ...	2,287 36
	$64,436 27

That the amount of assets which they had in hand on the 28th November, 1853, was as follows, viz.:

$45,100 of United States 6 per cent. loan, valued at	$48,148 91
$14,000 on deposit in the Union Bank, at 4 per cent. per annum, ...	14,000 00
And in money, ...	2,598 47
	$64,747 38

That the amount of assets which the said executors have now in hand, that is, on the fifteenth day of October, 1855, is as follows, viz.:

$45,100 of United States 6 per cent. loan, at . .	$48,148 91
$18,000 on deposit, in the Union Bank of Maryland, at 4 per cent. per annum, ...	18,000 00
And in money, ...	744 81
	$66,893 72

And that the certificates for the said $45,100 of United States loan, is now deposited in a box belonging to said executors in the said Union Bank. It also appears, by said books and papers of said executors, that the above $45,100 of United States 6 per cent. loan, was received by the executors from the deponent and his co-trustees aforesaid, on the 15th of April, 1850, and retained by said executors to abide the result of the suits brought to recover the same on account Lyde Goodwin's share and commissions, and which was as follows, viz.:

$17,136 37, of United States 6 per cent. loan, received, and retained on account of Lyde Goodwin's claim, to 5 per cent. commission, at		$18,294 78
$27,297 08, of same, on account of his share, at	$29,122 90	
$679 28, of same, on account of his portion on account of G. P. Stevenson's share, .	$725 61	
		$29,848 51
		$48,143 29

$45,094 73
5 27 a fraction of D. A. Smith's share.
$45,100 00

And the deponent further saith, that it appears, by the books and papers of the said executors, that they have, from time to time, paid various sums of money to their counsel and for officers' fees, and other expenses, incurred by them, in prosecuting and defending the suits which have arisen in relation to the said shares of the said James Williams and John Gooding; and that the amount thus paid on account of the share of James Williams, was upwards of $3900, of which $2700, and upwards, was paid before the 1st of April, 1852. And on account of the share of John Gooding upwards of $3800, of which $2700, and upwards, was paid before the 1st of April, 1852.

The solicitor for the complainant then filed the following agreement, to wit:

Agreement.

It is agreed, that the foregoing statement of Mr. Perine shall be admitted in evidence as if the same had been in answer to interrogatories regularly filed; and that all objections to the admissibility thereof shall be waived, and that it shall be taken in evidence in the same manner as if the books, papers, and accounts, therein referred to, were produced in both cases.

J. M. CAMPBELL,
For Oliver's Executors.
G. L. DULANY,
Solicitor for Complainants.

That the said G. L. Dulany then announced that the complainant had closed his evidence.

The master then fixed the 25th day of October, 1855, for taking testimony on behalf of the defendants, and gave notice thereof to the counsel for the respective parties.

On the 25th day of October, 1855, pursuant to the notice, G. L. Dulany, Esquire, on behalf of the complainant, and J. M. Campbell and Reverdy Johnson, Esquires, on behalf of the defendants, appeared before the master at his said office, and there was produced as witnesses, on behalf of the defendants, James H. Causten and Richard Burgess.

Evidence of James H. Causten, Witness for Defendants.

James H. Causten having been by me first carefully examined, and cautioned and duly sworn to testify the whole truth, and being examined on behalf of the defendants in the said cause by Reverdy Johnson, Esq., deposeth and saith, in answer to questions herein set forth, as follows, to wit:

Question. State your age, residence, and occupation?

Answer. I am sixty-six years of age, reside in Washington City, and my occupation is solicitor and agent for claims.

Question. Did you know the late Robert Oliver, and were you at any time spoken to or employed by him in relation to the claim of what was called the Mexican Company, upon the Government of Mexico, or that of the United States?

Answer. I knew the late Robert Oliver for many years. Mr. Oliver had employed a Mr. Miller as agent in that matter and to visit Mexico, which he did more than once. Mr. Oliver requested me to render Mr. Miller any facilities in my power during his stay at Washington, and in consequence thereof, I did assist Mr. Miller making searches at the State Department, and procuring and making myself for him, copies of various documents in relation to said claim.

Question. Did Mr. Oliver make that request of you before the first treaty with Mexico on which the claim was allowed? and state as accurately as you can the time at which such request was made.

Answer. The request was made several years prior to the date of the Convention of 1839 with Mexico, and at a time when said convention or any treaty was not contemplated or expected. It was several years prior, but I cannot state exactly the time.

Question. From your knowledge of the claim, and of the prospects of its being recovered, and of the labor attending it by the attempt to recover it, what do you think would have been a fair compensation for undertaking to recover it, as the attorney for the claimants?

Answer. That is a difficult to answer; a great deal would depend upon the terms offered, that is to say, whether a fee in hand, and whether the contingent expenses were to be paid by the agent or by the proprietor.

Question. Suppose the agent to bear his own expenses, and his compensation to be altogether contingent, what do you think would then be a fair contingent compensation?

Answer. In view of the faithless character of the Mexican Government, the difficulty of reaching it by any influence that could be brought into use in this case, the certainty of repeated visits to Mexico being indispensable, I should and did regard the effort to recover this claim as a forlorn hope, and so told Mr. Miller, again and again. Under these circumstances, I should have hesitated long on an offer of an agency at fifty per cent.

Question. Do I understand you then to say that under the circumstances to which you have referred in your preceding answer, fifty per cent. on the amount recovered would not be more than a reasonable compensation for such an agency?

Answer. Yes.

Question. Have you acted as agent for claims upon the United States and foreign governments, and are you acquainted with the rates of compensation for agencies of that kind? If you are, state how such services are usually compensated.

Answer. I have acted repeatedly, very often, with claims against foreign governments under treaties with Denmark, France, Spain, twice with Mexico, &c. Under two Mexican treaties, I had charge of one-third of the claims in number before the Board of Commissioners. And I also have acted as agent in various claims against the United States. There is no fixed rate of compensation. The compensation claimed and allowed varies very materially, dependent upon the character and amount of the claim, the party claimed against, the probability of success, the probable time consumed, and the expenses attending the prosecution. I speak of their being various. I should add that they vary from two and a half to fifty per cent., dependent upon the various circumstances above stated. I have myself received a clear commission of twenty-five per cent. from a party who had paid an advanced fee and all expenses of the prosecution. I mean twenty-five per cent. on the sum recovered?

Question. What claim was that?

Answer. Under the Mexican treaties, and I was employed after the first treaty was made. It was purely under the treaty. I was not employed to prosecute it against the Mexican Government. The claim was for about one hundred thousand dollars. And in many other cases different rates from five to twenty-five per cent., for claims under the same treaty—the parties in each case, however, advancing or making a retaining fee, and paying all expenses.

Cross-Examination.

And the said James H. Causten being cross-examined on behalf of the complainants by Grafton L. Dulany, Esq., further deposeth and saith, as follows:

Question. How many documents did you obtain at the request of Mr. Oliver?

Answer. My memory does not serve me. I know that they were many, and occupied considerable time; my desire being to serve both Mr. Oliver and Mr. Miller.

Question. What were the documents?

Answer. I cannot now describe them; they were such as Mr. Miller considered material to his object.

Question. Do you know the existence of any usages compensating agents, and fixing the amount in the absence of any special agreement between the parties?

Answer. I know the usage is to compensate agents, but not of any fixed rate of compensation, that being dependent upon the circumstances attending the claim and its prosecution.

Question. In case of the employment of an agent on a contingent percentage, is he entitled to anything if he does not succeed?

Answer. No. I mean by that to say that he is not entitled to any commissions.

Question. Do you know what was the amount of the claim in this case?

Answer. I do not now recollect, but I certainly did know at the time of the aid rendered to Mr. Miller many years ago; since then I read many papers, perhaps all Mr. Miller had then in his possession in relation to it, together with a printed pamphlet, of which said Miller was the author. I had the pamphlet, but do not know whether a copy now or not. I think I have a copy, and if I have, I will send it up to the commissioner. The claim was quite a large one.

(The complainant's counsel gives the defendant's counsel notice to produce the pamphlet referred to. The defendant's counsel says that the defendants have not, nor have their counsel, the said pamphlet, and they are willing and hope the witness will send the copy to the commissioner.)

Question. Were aware whether or not at the time you furnished this aid to Mr. Miller, that the Mexican Government had passed acts of Congress recognizing this claim?

Answer. My recollection is not perfect. I think I was not aware of it at that time, and knew it only within the last few weeks; and if I had known it at the time, it would have inspired me with no confidence in that claim or any other. I had cases against that government, for which special laws were passed, and no recovery obtained until the United States concluded the conventions with Mexico of 1839 and 1848. I speak of the faithlessness of the Government of Mexico with more confidence since I had claims as agent against that government, for the relief of which, special laws of the Mexican Government had been passed, and the relief contemplated by them not carried into effect until the Government of the United States had effected the conventions with Mexico of 1839 and 1848, under which compensation was made to the parties.

Question. In making your contracts for compensation, is not the amount of the claim one element in the amount of commissions are asked?

Answer. Certainly, and a very important one.

Evidence of Richard Burgess on behalf of the Defendants.

Richard Burgess, having been by me first carefully examined and cautioned, and duly sworn to testify the whole truth, and being examined on behalf of the defendants in the said cause by Reverdy Johnson, Esquire, makes oath, deposeth and saith, in answer to the questions herein set forth, as follows, to wit:

Question. What is your age, residence, and occupation?

Answer. My age is about sixty-six, my residence is Washington, and my occupation is that of agent for the prosecution of claims. I have been so engaged eight or nine years.

Question. Had you any knowledge of the claim which was called the claim of the Mexican Company against the Mexican Government?

Answer. I had not.

Question. Have you acted as agent of persons having claims upon the Mexican Government at any time, and when; and if so, what was or is to be your compensation?

Answer. I am now engaged in the prosecution of the claims of four citizens of the United States against the Mexican Government. The compensation I am to receive is a commission of twenty per cent. upon the amount recovered, and nothing in the event of failure thereof. I was employed in the cases about nine or ten months ago.

Question. Was any fee paid you in advance in these cases; and by whom are the expenses, other than your commissions, which may be incurred in the prosecution of the claims, to be paid; by you, or by your principal?

Answer. I received no money in advance. I am to incur no expenses in prosecuting the claims; they are to be paid by my principals.

Question. What is the aggregate amount of the four claims you refer to? State the same as nearly as you can.

Answer. About two hundred thousand dollars.

Question. Have you been agent for other claims against other governments, or for claims upon the United States? If so, state what compensation you have received, or are to receive; and if you have knowledge of the compensation for such services paid to others, state it.

Answer. I have had the prosecution of no claims against any other foreign government, but numerous claims against the United States. My compensation has varied according to circumstances. My usual charge is ten per cent. I have received as high as fifty. It is almost impossible to answer the question as to what compensation others receive, it varies so much. I have known as much as fifty per cent. to be paid; twenty-five per cent. to thirty-three per cent. is the usual charge for certain classes, such as Revolutionary claims.

Cross-Examination.

And the said Richard Burgess, being cross-examined on behalf of the complainants, by Grafton L. Dulany, Esq., further deposeth and saith as follows, to wit:

Question. Do you know of any usage that fixes generally the compensation of agents for claims, independent of special agreement or contracts with the parties? I refer to usage, and not to your opinion.

Answer. I know of no general usage on the subject. It is a matter of contract, except in the case of land warrants, where there is a pretty general usage.

At the request of the defendant's solicitors, the master then fixed the 1st day of November, 1855, for the further taking of testimony on behalf of the defendants, and gave notice to the solicitors of the respective parties.

On the 1st day of November, 1855, pursuant to the notice, G. L. Dulany, Esq., on behalf of the complainant, and J. M. Campbell and Reverdy Johnson, Esqrs., on behalf of the defendants, appeared before me, and John Mason was produced as a witness on behalf of the defendants.

Evidence of John Mason, Witness on behalf of the Defendants.

John Mason, having been by me first carefully examined and cautioned, and duly sworn to testify the whole truth; and being examined, on behalf of the defendants in the said cause, by Reverdy Johnson, Esquire, deposeth and saith, in answer to the questions herein set forth, as follows, to wit:

Question. State your age, residence, and occupation.

Answer. I am fifty-eight years of age, reside in Washington City, and I am employed in the office of the Attorney-General of the United States.

Question. Have you any knowledge of the claim of what was called the Mexican Company of Baltimore upon the Republic of Mexico? If so, was it afterwards paid under a treaty between the United States and Mexico; and if so, under what treaty?

Answer. I have full knowledge of that claim; it was paid under the treaty of 1839.

Question. Were you employed at any time, and by whom, to prosecute that claim before the Mexican Government? And if you were, how long did you act as agent, and did you afterwards act as agent in prosecuting that claim before the commission under that treaty, and for whom did you act in this last agency?

Answer. I was employed to prosecute that claim against the Mexican Government by the late Robert Oliver, of Baltimore. I acted as the agent of Mr. Oliver during my residence in Mexico, which was about five years. I was Secretary of Legation of the United States during that time; during a year of that time I was absent in the United States on business connected with the legation. Joel R. Poinsett was the Minister of the United States. I acted as agent before the mixed Board of Commissioners which met at Washington. I was employed by the executors of Robert Oliver.

Question. Did you act as the agent of anybody else in reference to that claim, other than Robert Oliver in his lifetime, and his executors since his death?

Answer. I acted for Mr. Oliver alone, and knew no one else as controlling the claim; and, after his death, was employed by his executors to prosecute the claim before the commissioners; and I knew no one else in that business.

Question. From your knowledge of the claim, and its condition at the time you were first employed by Mr. Oliver, can you state what would be a fair commission to be allowed him for his services in prosecuting it, he bearing all the expenses, and of the services of his executors after his death? If you can, state it.

Answer. You ask for an opinion. I know that the Government *that the Government* of Mexico at that time, 1825, when I first went to the country as Secretary of Legation, had very limited means, and they were derived principally from a loan made in England; that there were numerous demands upon that Government, and that during my residence in that country, I never knew or heard that any one of those demands were satisfied in whole or in part, and this claim was considered by myself, by Mr. Poinsett, the minister, and by all others who knew anything of its amount or history, as utterly hopeless. If I had been employed to prosecute that claim, and had to go to Mexico for that purpose, I should have required all my expenses to be paid, and a salary of at least five thousand dollars a year, during my residence there for the prosecution of this object; and in the event of success, a commission of at least thirty-five per cent.

If Mr. Oliver was to bear the expenses of prosecuting the claim, and to be remunerated for them and his trouble only in the event of success, I should not think fifty per cent. more than he was entitled to.

Question. Look at the letters now shown to you, purporting to be from yourself to Mr. Oliver, marked J. M., No. 1 to 9, inclusive, and state if they were written by you and sent to Mr. Oliver, as of their respective dates.

Answer. They were.

Question. Look at the paper now shown you, marked J. M., No. 10, purporting to be a receipt for a certain book, and to be signed by A. Butler, dated 3d January, 1830, and state if that is an authentic paper, and who was Mr. Butler at that time, and what the book was to which it refers?

Answer. The paper is authentic; the body of it is in my own handwriting; the signature is that of Anthony Butler, the Charge d'Affaires of the United States to Mexico at that time, and successor to Mr. Poinsett. The book referred to contained the original entries of sundry charges against General Xavier Mina, signed by the General; and the same were handed over to Mr. Butler, as appears by the receipt, subject to the order of Robert Oliver. It was upon that book that the claim was allowed by the Board of Commissioners.

Question. Look at the letters now shown you, marked J. M., No. 11 to No. 15 inclusive, and state whether they were letters from Mr. Oliver to you, received by you in due course, and were in reference to your agency for this claim.

Answer. These are letters addressed by Mr. Oliver to me, in Mexico, and received by me there.

Question. Look at the letters now shown you, marked J. M., No. 16 to No. 22 inclusive, purporting to be from M. Poinsett, the minister, and state whether you know his handwriting; and whether they are his letters; and whether he is now living.

Answer. I know Mr. Poinsett's handwriting. The letters are his, and are addressed to Mr. Oliver. Mr. Poinsett is dead; he died several years ago.

Question. Look at the two letters now shown you, numbered J. M., No. 23 and 24, and say whether you know the handwriting of Louis McLane and the late Daniel Brent, and if so, state whether said letters are signed by them respectively.

Answer. The letter of date of 12th October, 1832, is in the handwriting of Daniel Brent, and signed by him. I don't know the handwriting of Louis McLane.

(The handwriting of the letters signed Louis McClane, Powhatan Ellis, and A. Vail is admitted by complainant's solicitor.)

Question. Look at the letters now shown you, marked J. M., No. 25 to 31 inclusive, purporting to be from Abraham Miller to Mr. Oliver, and state if you know the handwriting of Miller; and whether they are his letters; and what connection Mr. Miller had with this claim.

Answer. I know the handwriting of Abraham Miller. These letters are in his handwriting, and signed by him. Mr. Miller was acting as the agent of Mr. Oliver in Mexico after I left that country; and was associated with me in prosecuting the claim before the Board of Commissioners.

Question. Look at the letters now shown to you, marked J. M., No. 32 to No. 42 inclusive, and say if you know the handwriting of the parties purporting to sign them; and say whether they are in the handwriting of such persons respectively.

Answer. I recognize in these letters the signatures of John Forsyth, Abraham Miller, and Joel R. Poinsett, and their signatures are genuine; the others I do not know.

Question. Look at the letters now shown you, marked J. M., No. 43 to 67 inclusive, and say if you are acquainted with the handwriting of the late Francis S. Key; and say whether they are in his handwriting.

Answer. I have received letters from Mr. Key, but can't say I am well acquainted with his handwriting. I believe the signature is his, but am not positive.

Question. Look at the letters now shown you, marked J. M., No. 68 to No. 92 inclusive, and say, if they are letters signed by yourself and Mr. Abraham Miller, the person to whom you have before referred.

Answer. The papers are genuine, and were signed by myself and Abraham Miller.

Question. Is Mr. Miller living or dead; and if dead, when did he die?

Answer. Mr. Miller died in Washington; I think in 1843.

Cross-Examination.

And the said John Mason, being cross-examined on behalf of the complainant by G. L. Dulany, Esquire, further deposeth and saith as follows, to wit:

Question. Do you know of any usage affixing compensation for an agent to prosecute claims on a foreign government in the absence of an agreement?

Answer. I know of no usage in the absence of an agreement.

Question. When you speak of Mr. Oliver being entitled to fifty per cent., as stated in your examination in chief, do you speak of it as your individual opinion?

Answer. I do.

The defendant's solicitors then filed with the master the several papers (which are herewith returned), which were exhibited to the witness, John Mason, and referred to in the foregoing deposition, marked respectively Defendant's Exhibits J. M., from No. 1 to No. 92, inclusive.

Defendant's Exhibit J. M. No. 1.

Letter from J. Mason to Robert Oliver, dated Mexico,
December 10th, 1825.

Robert Oliver, Esq.,
Baltimore.

Dear Sir: I enclose you the project of a law which was submitted to the Mexican Congress a few days ago, by their Committee of Public Credit. I have been assured by several well-informed and influential members, that the law will very soon pass, as there laid down, or with few and immaterial alterations. Our claim being for debts contracted by Mina,—who has been solemnly declared a Beneverito de la Patria,—comes under the 5th article of acknowledged credits, and will be accordingly funded at 4 per cent. As the whole of this claim rests on the same proof, and as it is all for supplies furnished to one man, for one purpose, the admission of one single item draws after it, of course, the admission of the whole account.

I have no fear for any part of it, except that they may choose to dispute the charge of 100 per cent. But as this advance is charged upon the cost of the goods furnished, and upon cash loaned, as it was agreed to by Mina, as an equivalent for the risk of entire loss, or, at best, of very distant payment; and, as the law makes no provision for back interest, but expressly says, the interest, and that a low interest, shall bear date from the day the account is admitted.

I think it more than probable, I shall be able to convince them of the injustice of striking off the charge of the 100 per cent., and induce them to let it stand. I have already requested you to hand me the original book containing the accounts signed by General Mina. I have now to repeat this request. The absence of that book may invalidate the claim. These people are naturally suspicious, and if I only produce copies, when those copies themselves prove the existence of the originals, I think it more than probable, they will demand the production of the originals as a *sinè qua non.* I hope, therefore, my dear sir, you will send me the book by the first safe vessel. Let it be wrapt in oil cloth, and put into a box, directed to Mr. Poinsett, and it will come safely. A private conveyance by some one coming here, this will be safer.

I received a few days ago your letter of the 3d October, with its inclosures. I have completely annulled General Wilkinson's arrangement described to you in my last. I wrote him a letter on that subject (a copy of which is inclosed), having previously satisfied myself that the persons he had employed were not of sufficient character to do me injury.

This decision has been quietly submitted to, and General Wilkinson restored all the papers on the 7th November last. Before Mr. Smith left here, he wrote me a letter dated in June last, of which a copy is inclosed.

In consequence of that letter, when General Wilkinson returned the documents, I wrote to Mr. Smith the inclosed letter; copies of which were given to the General, and took his receipt; the receipt is also inclosed.

General Wilkinson is in a very debilitated state, and if he remains here, can scarcely survive many months.

With best wishes for your health,
I am, my dear sir,
Your most obedient servant,
J. MASON, Jr.

Defendant's Exhibit J. M. No. 2.

Letter from J. Mason, Jr., to Robert Oliver, dated Mexico, December 13th, 1825.

Mexico, December 13th, 1825.

Robert Oliver, Esqr.,
Baltimore.

My dear Sir: I wrote you, a few days ago, on the subject of your claim on this Government, and inclosed a project of a law to establish public credit, which had lately been laid before Congress. I have now the pleasure to say, it has been taken up, and is passing, article by article.

From conversations I have lately had respecting this law, I have strong reason to believe, that no objection will be made to the charge of 100 per cent. I am told, the interest is fixed at 4 per cent. on account of that charge; and that 5 per cent. is allowed on the claims of natives of the country, because their credits were taken at the market price of the day, and no advance charged upon them.

Things being in this fortunate position, when I next write, I hope to have the pleasure to announce the satisfactory adjustment of the claim. My only fear now is, that they may object to my certified copies, when the originals are in existence.

Very respectfully, I am, dear sir,
Your obt. servt.,
J. MASON, Jr.

Defendant's Exhibit J. M. No. 3.

Letter from J. Mason, Junr., to Robert Oliver, dated Mexico, March 4th, 1826.

Mexico, March 4th, 1826.

Robert Oliver, Esqr.,
Baltimore.

My dear Sir: I wrote you on the 10th Dec'r last, giving an account of the state of things here in relation to the law establishing public credit, and since that date a short letter merely stating that the law was progressing through the lower house. I had hoped to be able to tell you before this, that the tribunal to be established under that law, was prepared to take cognizance of your claim. But such is not yet the fact. Their mode of doing business in Congress is so irregular, leaving a subject under consideration as often as any new matter may come before them, that the debate on the law in question is not yet terminated in the lower house; however, they have made considerable progress since I last wrote, and the members I have conversed with on the subject say, it will soon be concluded. It has undergone such a thorough examination in the House, that I trust it will not *it will not* meet with delay in the Senate, and, indeed, I think from the information I have, as to the temper of that body on the subject, that it will not. I requested you, in mine of the 10th Dec'r, to send me the original, signed by Mina, on which your claim rests. Allow me to repeat the request now. Without them the tribunal may refuse to admit it.

Mr. Poinsett handed to me yesterday a letter addressed to him by Dennis A. Smith, dated 30th Jan'y last, where he states, "that he has assigned his half of the claim on the Mexican Government for Mina's expedition to you," with a note at bottom from you, requesting Mr. Poinsett to instruct me to take the necessary measures to recover it. I take charge of it with great pleasure, and thank you, my dear sir, for this new mark of your confidence. Mr. Smith, in March, 1825, made an assignment of the other half of this claim to his creditors.

As I have your part of it in my hands, may I ask the favor of you to request him to give me the necessary power to act also for him in the prosecution of their part of this claim.

I cannot but suppose you intend to allow me the same commission on this, as on the claim before intrusted to me, that is seven and a half per cent. on the amount recovered; and I will be much obliged if you will state to the other persons concerned, that I expect the same compensation from them, and have it mentioned in their letter to me.

Mr. Smith's two-ninths parts in the claim of the Baltimore Mexican Company, I understand is distinct from this second claim and not forming a part of it.

Do me the favor to let me hear from you in detail on the subject of this letter as soon as may be convenient, and believe me, dear sir,

Very truly, yr. ob. servt.,
J. MASON, Jr.

P.S.—I think to avoid any difficulty that might possibly arise here in the settlement of the account in the last claim, you had better send me a formal power of attorney; and the bank and others to whom Smith before assigned half of it, can join you in the power.

J. M., Jr.

Defendant's Exhibit, J. M. No. 4.

Letter from J. Mason, Jr., to Robert Oliver, dated 11th April, 1826.

Mexico, April 11th, 1826.

Robert Oliver, Esq.,
Baltimore.

My dear Sir: I wrote to you on the 10th Dec'r and 4th March last, long letters on the subject of your claims, with reference to which letters I have now to state, that the law establishing public credit is still under discussion in the House of Representatives. We have succeeded in having the interest raised to 5 per cent. instead of 4 per cent., as proposed in the project sent you. No other alterations have been made in it which affects us: there is still a chance tho' that we may get this interest payable in London; if so, the stock will, as you know, be much better. These people are, to be sure, very slow, but really they seem disposed to be fair and liberal. The session has been prolonged thirty useful days beyond the time fixed upon for adjournment, viz.: the 15th of the present month, for the express purpose of passing this law and regulating the tariff. So that I have great hope that this business will be settled soon—so much for that.

This is, you know, a land of speculation. I have my way to make in the world, and in coming here have travelled far and submitted to many privations, in the hope that the expedition would prove beneficial to me. I frequently see opportunities where much might be done with a command of capital, but as I have it not, they pass unimproved as to me; however, I have heretofore done something in this way, and now have another opportunity so tempting that I cannot let it pass; the amount required is two thousand dollars. I have accordingly borrowed it here, and invested it, to be repaid in three months from this date. May I rely upon your kindness to pay this sum for me, by giving me permission to draw upon you to be charged against my commissions on your claims?

If you will do this in the manner I mention, you will greatly oblige me. If you wish further security I inclose a note from Mr. Poinsett on the subject. I have told Saubervielle, the merchant who has advanced me this money here, that he should have a bill on the United States for it in three months. If you can grant me this facility, you will do me a great service. If it should not be convenient, I shall much regret it. But in either case please inform me as soon as you can by duplicate, via New York and Philadelphia, that I may take my measures here accordingly, and fulfil the engagement I have made with Saubervielle.

Allow me to remind you again that it is absolutely necessary I should have here the original vouchers in your claim signed by Gen. Mina. I am perfectly aware, my dear sir, that the request I have ventured to prefer in this letter is unauthorized by any shadow of right on my part, and beg you to excuse it, promising you at the same time never to trespass on you in the same way in future. With best wishes for your health and happiness,

I am, my dear Sir, very truly, your obt. servt.,

J. MASON, Jr.

Defendant's Exhibit J. M. No. 5.

Letter from J. Mason, Jr., to Robert Oliver, dated June 28th, 1826.

MEXICO, June 28th, 1826.

ROBERT OLIVER, Esqr.,
Baltimore.

My dear Sir: I have the pleasure to acknowledge the receipt of your letter of the 18th ult'o., and have availed myself of your kind permission to draw upon you for $2000. The bill will no doubt come to hand in due time, favor J. R. Poinsett, Esq., dated the 20th inst., at ten days sight. Com'e Porter arrived at this city four weeks since, and the important book two days ago from Jalapa, where he had left it, together with some other things, as he came up on horseback. I am much gratified to be in possession of this evidence of the justice of our claim, for now I am sure of it. Congress as you know will probably have known before this reaches you, adjourned last month. They are to meet again in extraordinary session in August, when, I trust, as the bill for the establishment of public credit has already undergone so thorough a discussion, it will be passed promptly. I will write you soon on the subject of the claim transferred by Mr. Smith to you. I am too much pressed for time to do so now. Our treaty is nearly done. The Commodore has, I believe, determined to take service here.

Very truly, I am, my dear sir, your friend and obt. serv't.,
J. MASON, Jr.

Defendant's Exhibit, J. M. No. 6.

Letter from J. Mason, Jr., to Robert Oliver, dated 21st October, 1826.

Mexico, October 21st, 1826.

Robert Oliver, Esq., Baltimore.

My dear Sir: My last was of the 28th of June last. I have postponed writing again until now, in the hope that I might be able to say that I had got your business here placed on a satisfactory footing. But we must yet have patience. Although the executive had determined to call the present extraordinary session in August, the usual procrastinating spirit prevailed, and they did not meet until the 15th of September. The public credit, which was one of the principal objects for which they were convoked, was taken up immediately in the lower house, and several articles more have passed, but they have not got done with it. It continues to progress, however, slowly, on the footing on which I have already represented it. When the discussion is over in the lower house, it must go through the Senate, where, however, from the lesser number of members and the many friends we have there, I have no reason to believe it will remain so unreasonable a length of time as it has been before the lower house; but still there is no doubt that six months at least must elapse before it can become a law, and the tribunal be duly organized to take cognizance of the accounts. In this state of things, as I can do no more than I have already done, by staying here, towards urging this business onwards, Mr. Poinsett has determined to send the treaty home by me, and I expect to leave Mexico with it from the last of this month to the middle of next. Should, however, by any extraordinary and certainly most improbable exertion on the part of these people, the tribunal be established sooner than we now expect, your business cannot suffer, as I have the assurance of Mr. Poinsett that he will give every attention. My present intention is to pass the winter at home, and return here in the spring; but should I be wanting sooner, to return sooner.

In relation to the claim transferred to you by Mr. Smith, as there is unfortunately time enough, I shall say nothing now, but leave it for a subject of conversation when I shall have the pleasure to see you.

The Mexican Congress just now, I am sorry to say, like some others, is too apt to let private animosities and present views usurp the place due to the public weal, and the result is, that the public business stands still. On the 1st of January, however, the new Congress commences its sessions, and as there have been many changes for the better, in the recent elections, we may, I trust, hope for better things.

With great regard and respect,
I am, my dear sir,
Very truly, your ob't serv't,
J. MASON, Jr.

Mexico, Oct. 21st, 1826.

Defendant's Exhibit, J. M. No. 7.

Letter from J. Mason, Jr., to Robert Oliver, dated Nov. 3d, 1828.

Mexico, Nov. 3d, 1828.

To Robert Oliver, Esqr.,
Baltimore.

My dear Sir: I received, by the last New York Packet, your favor of the 3d September. I have delayed writing to you till now, in the anxious hope, which has not been realized, of having it at length in my power to give you a satisfactory account of your claims on this government. But really, so far, things wear a more unfavorable aspect every day. The bill for the "establishment of public credit," which was so long under discussion in the Congress of this country, was dropped, unfinished at last, and there is no probability, from the present circumstances of the country, that it will be resumed until after January next. This country has been in a constant ferment for more than twelve months. In January last an open rebellion broke out, which was soon quelled, but was followed by seriously injurious consequences as to the commercial interest; and, within the last few months, another, which all the efforts of the government, have, as yet, been unable to subdue, and which threatens to dissolve this Union. This state of things is attributable, in part, to a defective system of government; but more to the corruption of excessive venality of those who administer it, and to the general depravity of the people; the results are, that their finances are at the lowest ebb, and their credit gone. They have ceased to pay the dividends on their foreign debt (the loans made in London), and the best of their stock here, which twelve months ago was worth 60 to 70 per cent., cannot now be sold at any discount whatever. Indeed, for several months past, the government has subsisted only by borrowing small sums from the merchants, for which, orders on the custom-houses are given, so that the revenue is

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anticipated. I have said that after January the subject of public credit may be taken up again. On the 1st day of January the new Congress meets; to their labors we look for the tranquillization of the country. The new deputies are nearly all of the popular party (the party now in arms against the government); should they decide upon the late presidential election as the people expect, that is, annul it, and there is every probability they will do so, as they are supported by the wishes of the people, and by a strong armed force, we may look for better times soon after; in that case, the party friendly to the United States and to American interests generally, in preference to European, will come into power, and we may reasonably hope to get your claims settled on good terms. This is rather a sad picture; and, it must be confessed, gives but little hope of having the claims settled before Mr. Poinsett's departure, which will probably take place soon. There is one thing, however, which may possibly be done: Congress passed a law, some time ago, authorizing the executive to borrow a sum, not exceeding three millions of dollars, and pledge the revenue from the customs to the amount of half the duties; this has been but slightly acted upon as yet; not more than $300,000 of duties have been anticipated in this way. As a further inducement to merchants to lend, credits are taken by the government at par or nearly at par, and an equal sum in money, and the order upon the custom-house covers the whole—credits and money; and in case the persons lending should reside in foreign countries, the duties are made payable to them there. The amount of our trade with this country (our exports), is about 5 millions, and the amount of duties paid by our vessels one million annually, more or less. Could you not contract a loan with them on such terms? Mina's accounts being taken by them at par or nearly so, together with any other of their credits, which I can buy for you here at from 10 to 20 per cent. at highest. Suppose you were to contract with them for a million of dollars. The Mina claims and other credits to be taken at par to the amount of $500,000, and an equal sum to be received by them in money; the whole million payable to you in the United States, by the merchants dealing with country, who would have the duties on their cargoes assessed here, but of which they would pay but one-half to this government, and the other half to you, until the whole sum, credits and money, should be repaid. Mr. Poinsett thinks it would be an immense speculation, and the best means you can adopt to get your claims settled. I merely throw out this general idea of the scheme now, for your consideration. I have not yet possessed myself accurately of all the details; but I will as soon as I can, and write you fully. I have not yet either made the proposition to Esteva, the Minister of the Treasury, nor am I sure, by any means, he will accept it. He may object to the Mina claims, and say they do not come under the law—such objections from him, however, might be removed.

By the packet, which will sail on the 1st of next month from Vera Cruz, I hope to be able to write you more satisfactorily about it. The exchange too, bills being drawn on you from here, would be from 15 to 10 per cent. in your favor. There is a great deal of money here, which the persecuted Spaniards would gladly avail themselves of such an opportunity to send out of the country, and the foreign merchants remit in that way when they can. Should this government agree to it, Mr. Poinsett will write to you on the subject, by the next packet. In the meantime, my dear sir, do me the favor to let me know, by the earliest opportunity, what you think of it. The mines of Temas Caltepec are doing very well. Keating is taking out very excellent ores in considerable quantities, and his machinery for extracting the silver from them has just been put into operation. With my best wishes for your health and happiness,

I am, my dear sir, most respectfully, and
Truly yours,
J. MASON, Jr.

There is but one event that can render the loan I propose dangerous or imprudent. Report says, that Spain is fitting out an expedition to invade this country. Should 12,000 or 15,000 good troops, well officered and well paid, be sent, they might march to the capital, and hold a great portion of the middle country for a short time; but it seems to me, from the wretched state of the Spanish troops, and of Spanish finances, and the absolute necessity of preserving a large military force in the West India Islands, to keep down insurrection there on the part of the blacks and the disaffected, that such an expedition to this country is impossible. Of this you can judge better than I.

J. M., Jr.

Nov. 3d, 1828.

Nov. 8th.

I have seen Esteva, and made the proposition to him. He says, it will be necessary to submit it Congress; but he has no doubt it will be accepted, the law, authorizing the executive to take credits, having expired, and been substituted by the law I inclose.

Mr. Poinsett says he will write to you by the mail of to-night.

Defendant's Exhibit J. M. No. 8.

Letter from J. Mason, Jr., to Robert Oliver, dated
25th February, 1829.

Mexico, 25th February, 1829.

Robert Oliver, Esqr.

My dear Sir: I have just ascertained that proposals, lately made to this government, for a loan of ten millions on the terms detailed below, will probably be accepted. The terms are six millions to be furnished in money, and four millions in credits, to bear an interest of six per cent., and to be repaid by the Government, together with the interest, from the duties on brandies and paper; these articles have never yielded a lesser amount of duties annually, than $1,200,000. As the consumption of them, in this country, is exceedingly great, Mr. Poinsett desires me to say to you, that he has sent a copy of the terms, as proposed to the Government, to C. C. Cambreling, of New York, and has requested him to communicate them to you, and to confer with you on the subject. It will be a highly advantageous arrangement for the contractors. If you think proper to enter into it, your claim will be taken, and the money, you will have to furnish with it, must bear to the amount of the claim the proportion of 6 to 4. I will write you more particularly on this subject, by the next mail. I have not time at this time, before the mail closes, to say more.

Very sincerely, I am, dear sir,
Your obedient servant,
J. MASON, Jr.

Defendant's Exhibit, J. M. No. 9.

Letter from J. Mason, Junr., to Robert Oliver, dated 7th March, 1829.

Mexico, 7th March, 1829.

To Robert Oliver, Esq.,
Baltimore.

Dear Sir: I send you a translation of the prospectus of a loan of $10,000,000 proposed to made to this Government, and copy of a letter from Mr. Poinsett to Mr. Francis Baring on the subject. I have, in a former letter, mentioned the outline of these terms to you; but, not possessing them at that time, I could not before send them. This is perhaps the best opportunity which will present itself for many years, to obtain payment of your claims. If you are disposed to adopt this means, you may rely upon every effort being made to have your credits rec'd at par, or nearly so; and rest assured, that your interest throughout the transaction will be most strictly attended to. Should you not think proper to take part in this operation, I would suggest another mode of receiving payment for your claim. This Government past have been so distressed for money, as to give to the merchants orders on the custom houses, receivable in payment of duties, for amounts of which only half is paid into the Treasury in money, and the other half in credits; these credits not being worth in the market more than from 10 to 20 per cent. Thus A pays into the Treasury $10,000, and hands in, at the same time, $10,000 in credits; and he receives from the Minister of Finance orders on the custom house for $20,000. With these orders he pays that amount of duties due from himself, or sells them to others, should he have no duties to pay himself, at a discount of not more than from 12 to 15 per cent., thus making an enormous profit. This system is as ruinous to the Treasury as it is advantageous to the merchant; but the necessities of Government have been such for several months—have been such, that the revenue has been thus anticipated at 50 per cent. loss.

These transactions continue to take place every day, though I doubt whether the authority to make them will be renewed by Congress, when the time at present fixed expires. I believe, however, that, in your case, a special act for the payment of your claim might be obtained; and I think you had better authorize me to draw upon you for, say $10,000, or any sum you please, to which I would add an equal amount of the claim; receive from the Treasury orders for $20,000; invest the proceeds in the same manner, and thus go on to the whole amount of your claims. There will be no risk whatever to you in these operations, for I will never make one of them, until I have secured beforehand the sale of the Government orders to some merchant; and this will not be difficult, as, when the merchants can no longer negotiate for themselves in this way; they will be glad to buy such orders at a small discount. I wrote you some time ago, when this system first went into operation, explaining it, and proposing to you to pay at once a sum equal to your claims, and receive orders for double the amount. I have not since had the pleasure to hear from you. The operation, as I propose to make it now, beginning with a small sum, is more advantageous to you, because there is no risk; the result is the same, and you advance no money, except a comparatively small sum at the commencement. I am not sure, by any means, that I shall be able to persuade these people into the measure after the authority of the Minister ceases to negotiate in this way. But the present men in power are friendly to us; and if I go to them with money in my hand, I think it more than likely I shall succeed in prevailing on them to pay your claim in that way. I hope, then, my dear sir, to hear from you soon in reply; and am,

Very truly yours,

J. MASON, Jr.

Defendant's Exhibit, J. M. No. 10.

Receipt from A. Butler to John Mason, Jun., for the book containing the original entries, dated 3d Jan'y, 1830.

Mexico, 3d Jan'y, 1830.

I have received from Mr. John Mason, Jr., a book containing the original entries of sundry charges against Gen. Xavier Mina, signed by the General, together with the papers relating to the claim of Dennis A. Smith, of Baltimore, and those of Col. Tenant. I hold all these subject to order of Robert Oliver, Esqr.,

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of Baltimore. These claims are for supplies furnished for the establishment of Mexican Independence.

A. BUTLER.

Defendant's Exhibit, J. M. No. 11.

Letter from Robert Oliver to J. Mason, Jr., dated
3d March, 1826.

BALTIMORE, 3d March, 1826.

Dear Sir: I have delivered to Com. Porter, who is about to proceed to New York to embark in the brig Mexican for Vera Cruz, the book signed by Gen'l M. I have also delivered to him a letter for Mr. Poinsett, to which I beg leave to refer you.

Yours very sincerely,
ROBERT OLIVER.

I have just received a letter from your father, dated the 27th ulto., covering one from you, John Mason, Jr., Esq., Secretary of the American legation, at Mexico.

Defendant's Exhibit, J. M. No. 12.

Letter from Robert Oliver to J. Mason, Jr., dated
20th Dec'r, 1828.

BALTIMORE, 26th Dec'r, 1828.

JOHN MASON, Jr., Esq.,
Mexico.

Dear Sir: I am favored with your letters of the 3d and 8th ultimo, in which I am sorry to observe that my claims on the Mexican Government were then *in statu quo*.

I have so bad an opinion of that Government, that I could not be induced to enter into the speculation alluded to by Mr. Poinsett and you. But I am willing to risk $10,000, as I would the fate of a lottery ticket, and you may draw on me for that sum, or even a little more, provided you can procure for it Dlls. 100,000, of such stock of the Mexican Government, as Mr. Poinsett and you will approve. I again earnestly entreat you to endeavor to put my claims on some footing of certainty, and, if necessary, to accomplish it, I authorize you to draw on me for one or even two thousand dollars. You have, no doubt, discovered that there are no materials for a republic in any part of South America, and that the present form of their government must soon be changed. I have now some hopes of Columbia, provided Bolivar lives a few years. The Spaniards are in no situation to invade Mexico at present.

I am very truly yours,
ROBERT OLIVER.

P.S.—It has just occurred to me that you may possibly have it in your power to accomplish the main object, by sacrificing a part of the stock, and if so, you may give ten or even fifteen thousand dollars.

Defendant's Exhibit, J. M. No. 13.

Letter from Robert Oliver to J. Mason, Jr., dated
26th Dec'r, 1828.

BALTIMORE, 26th Dec'r, 1828.

JOHN MASON, Esq.

Dear Sir: I am favored with your letters of the 3d and 8th ultimo, by which I am sorry to observe that my claims on the Mexican Government were then *in statu quo.* I have so bad an opinion of that Government that I could not be induced to enter into the speculation alluded to by Mr. Poinsett and you. But I am willing to risk ten thousand dollars, as I would the fate of a lottery ticket, and you may draw on me for that sum, or even a little more, provided, you can procure for it one hundred thousand dollars of such stock of the Mexican Government, as Mr. Poinsett and you will approve. I again earnestly entreat you to endeavor to put my claims on some footing of certainty, and, if necessary, to accomplish it, I authorize you to draw on me for one or even two thousand dollars.

You have, no doubt, discovered that there are no materials for a republic in any part of South America, and that the present form of their government must soon be changed. I have now some hopes of Columbia, provided Bolivar lives a few years. The Spaniards are in no situation to invade Mexico at present.

Yours, very truly,
ROBERT OLIVER.

P.S.—It has just occurred to me, that you may possibly have it in your power to accomplish the main object, by sacrificing a part of the stock, and if so, you may give ten or even fifteen thousand dollars of it.

R. O.

Defendant's Exhibit, J. M. No. 14.

Letter from Robert Oliver to J. Mason, Jr., dated
24th April, 1829.

BALTIMORE, 24th April, 1829.

JOHN MASON, Jr., Esqr.

Dear Sir: I wrote you the 26th Dec'r, since which I have rec'd yours of the 25th February. I have no confidence in any of the Governments of South America, and could not be induced to risk a large sum in the hands of such people. Besides, my funds are appropriated, and could not now raise a large sum without making a sacrifice, or borrowing, which I wish to avoid. I hope you have made some progress in the Mina claim, which, I fear, will be lost if you permit it to sleep much longer: you cannot calculate on the support of a new ministry. I have already informed you, you may, if necessary, sacrifice a part of this claim to secure the remainder. I fear you have forgotten the claim of Col. Tenant and myself, to which I again request your attention. I am interested in the Temas Caltepec Mine, and when you hear anything for or against it, be pleased to let me hear from you on this subject. I expect Mr. Poinsett is on his way to this country.

I am yours very sincerely,
ROBERT OLIVER.

(Copy.)

Defendant's Exhibit, J. M. No. 15.

Letter from Robert Oliver to J. Mason, Jr., dated 24th April, 1829.

BALTIMORE, 24th April, 1829.

JOHN MASON, Jr., Esqr.

Dear Sir: I wrote to you the 26th Dec'r, since which I have received your favor of the 25th February. I have no confidence in any of the governments of South America, and could not be induced to risk a large sum in the hands of such people. Besides, my funds are appropriated, and I could not now raise a large sum without making a sacrifice or borrowing, which I wish to avoid. I hope you have made some progress in the Mina claim, which I fear will be lost, if you permit it to sleep much longer. You cannot calculate on the support of a new minister. I have already informed you that you may, if necessary, sacrifice a part of this claim to secure the remainder. I fear you have forgotten the claim of Col. Tenant and myself, to which I request your attention. I am interested in the Temas Caltepec Mine, and when you hear anything for or against it, be pleased to let me hear from you on the subject. I expect Mr. Poinsett is now on his way to this country.

I am, very sincerely.

Defendant's Exhibit, No. 16.

Letter from J. R. Poinsett to Robert Oliver, dated 7th March, 1825.

WASHINGTON, 7th March, 1825.

My dear Sir: The mission to Mexico has been so urgently pressed upon me, that I have not thought it to be for your interest or mine to refuse it any longer. You are aware of the position of Mr. Adams at this particular juncture time. He will not venture to make an appointment during the recess, when at the next session of Congress the nomination might fail in the Senate, and the appropriation by the House be very doubtful. My only object in going to Mexico is to make a treaty, and as soon as that is accomplished I shall be very glad to be removed to Naples. The situation I shall occupy, if successful, will be commanding, and those who will be anxious to fill that station will contribute to my being sent to Naples. I shall be in Baltimore in two or three days, and will have the pleasure to see you then.

With great respect and regard yours,
J. R. POINSETT.

Defendant's Exhibit, J. M. No. 17.

Letter from J. R. Poinsett to Robert Oliver, dated 11th April, 1826.

Mexico, 11th April, 1826.

Robert Oliver, Esqr.,
Baltimore.

Dear Sir: I received your letter containing Mr. Smith's transfer to you of his claim upon this Government, and have accordingly placed the papers in the hands of Mr. Mason. That gentleman will inform you of the state of the bill for establishing the stock. We hope to carry the point of having the interest paid in London.

Mr. Mason is anxious to make a small speculation which requires $2000. He hopes that you will not refuse to advance him that sum, and if you require any further security beyond the business he has of yours in his hands, I will very cheerfully give it, and beg you to consider me as such for the amount, two thousand dollars.

Will you be so good as to let me know whether Mr. Smith has remitted the $5000 to my agent in Charleston. He had not done so by last advices from thence.

Very respectfully yours,
J. R. POINSETT.

Defendant's Exhibit, J. M. No. 18.

Letter from J. R. Poinsett to Robert Oliver, dated 22d Dec., 1826.

Mexico, 22d Dec., 1826.

Rob't Oliver, Esq.

Dear Sir: Contrary to every reasonable expectation, the bill regulating the establishment of a board of public credit has not yet passed both houses. It is now before Senate, and I still entertain hopes of its being acted upon early the next year.

I have thought it important to send Mr. Mason home for various reasons, which will himself explain to you; but I beg you to be assured, that your interest here shall not suffer in his absence. If the law passes before his return to this country, and the Board be immediately established, I will undertake to attend personally to your concerns, which were left in Mr. Mason's hands. I regret exceedingly the unexpected delay which has attended the liquidation of your claim upon this Government, but the representative system works heavily here, and all the proceedings of the Mexican Government are inconceivably dilatory.

I leave to Mr. Mason to explain to you fully, as he is well able to do, the real state of this country; with respect to my own personal views he is well acquainted with them, and will communicate them to you. Of this place I am tired to death.

With sincere regard and great respect,
I am, dear sir, yours faithfully,
J. R. POINSETT.

Defendant's Exhibit, J. M. No. 19.

Letter from J. R. Poinsett to R. Oliver, dated 20th July, 1827.

MEXICO, 20th July, 1827.

My dear Sir: I take great pleasure in presenting to you Gen'l. Werveer, who represented to *to* me the King of the Netherlands at Panama. The General has resided a sufficient time here to be well acquainted with the state of things in Mexico, and I am sure will be an interesting acquaintance to you.

I am, with great respect, yours truly,
J. R. POINSETT.

Defendant's Exhibit, J. M. No. 20.

Letter from J. R. Poinsett to R. Oliver, dated 10th Nov., 1827.

MEXICO, 10th Nov. 1827.

My dear Sir: I received by the Leo your letter of the 25th Septr., with respect to the Mina claims. I do not think my presence necessary to their recovery. The bill of public credit, as it is called, has not yet passed, and I have not urged its passage, on account of the exhausted state of the Treasury of Mexico. You are aware, that this bill provides for the liquidation of this and all similar claims, by funding them, at 6 per cent. This would create a demand upon the treasury which at this particular crisis it could not satisfy. There are natural causes which must augment the resources of this country, and I look forward confidently to the ability of this Government to liquidate all these claims, as I believe it is anxious to do. There is no use in pressing them upon the Congress. The experiment was fairly tried in a case which presented every prospect of success. A Mr. Duncan had rendered essential services to the cause of independence, both in fitting out Mina's expedition in New Orleans and in furnishing money to other leaders of the revolution. His claim was brought forward by the agent of his widow and distressed family. Congress, while it admitted the justice of the claim, and the peculiar hardness of the case, refused to grant any relief at this time, declaring that all these claims must be liquidated by the tribunal of public credit.

The claims are in my opinion good, but must wait the course of Mexican legislation; which is most dilatory. My return depends upon the decision of the President. I have asked to be relieved from this unpleasant residence, but shall be governed by his decision. What is agreeable is not always expedient. I am happy to hear that you are likely to succeed in sending a mission to Naples. If consistent with the President's views I should be glad to be so employed. I have always thought that some strong measures ought to be resorted to in regard to our claims on France, either by sending a special mission to Paris before that he purposes sending to Naples, or at the same period. I think from the disposition now manifested by this Government, I may conclude all my negotiations here, so as to leave this in March, if the Congress of Talculaye does not take place. Many thanks for your news from Boston. I supposed myself forgotten by all my fair friends.

With great regard, yours faithfully,

J. R. POINSETT.

Defendant's Exhibit, J. M. No. 21.

Letter from J. R. Poinsett to Robert Oliver, dated 4th Jan., 1828.

MEXICO, 4th January, 1828.

My dear Sir: I received your friendly letter of the 3d October, giving me a summary account of the bickerings of party in our country. Here, unfortunately, party spirit is showing itself with more violence, and is not content with abuse. The opposition has thrown down the gauntlet and appealed to arms, after having been defeated in all their plans to gain the ascendency by fair means. The Vice-President left the city a few days ago clandestinely to put himself at the head of the malcontents. Their combinations are, I fear, extensive, and the Government, although it has the physical force of the country on its side, is sadly in want of funds, the sinews of war.

I regret this state of things the more, as it is calculated to retard the final settlement of the claims. If the opposition should succeed, it will be still more unfortunate, as they are known to be opposed to them, as they are to everything liberal and honorable. They are enemies of free institutions, and wish to see the country governed by a prince of the house of Bourbon. I trust that they will fail in this most iniquitous attempt to subvert the existing order of things.

I am, with great truth and regard, my dear Sir,

Ever yours,

J. R. POINSETT.

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Defendant's Exhibit, J. M. No. 22.

Letter from J. R. Poinsett to Robert Oliver, dated 8th November, 1828.

Mexico, 8th November, 1828.

My dear Sir: In our anxiety to see your claims in a fair way of recovery before I left this country, it occurred to us, that advantage might be taken of the present exigencies of this Government, to make an arrangement to that effect. Several partial loans have been made, taking credits on claims on the Government at from 80 to 86 per cent., with an equal amount in money; the whole payable in duties, or in orders, on the custom house, for instance. A. lends Government $80,000, in money, and gives, in credits, to the amount of $100,000, worth in the market about $15,000; for these sums he receives $160,000 in orders on the Custom House, payable in monthly instalments. By a law lately passed, the lender, if a foreigner, may receive one-half the amount of duties chargeable upon such cargoes as may be sent from his country, until the debt is satisfied, either by having an agent in the ports of the Republic, or by having an understanding with the shipper, and receiving the money there. This law will be sent to you. The speculation is advantageous, if you had to purchase credits, which may be done at from 10 to 20 per cent., that is to say, 90 to 80 discount, and situated as you are, holding claims, the payment of which is likely to be long delayed, there can be but one doubt as to the policy of adopting this course. Can the Government be relied upon? Will it be permanent? I am of opinion, that the contract will be complied with, let whichever party be in power. Mr. Mason has given you a description of the state of the country and of parties. The contract will, if you think proper, be entered into with the party in power; and, if they remain in power, there can be no doubt, the contract will be religiously fulfilled. If the opposite party succeed, they are more emphatically our friends, and I think I may safely answer for their fulfilling a contract with you. Now, then, the only fear is, that Spain may invade the country, and blockade the ports of the Republic. In that event, the speculation would be hazardous. On this subject I have no very accurate means of forming an opinion. You know more of its probabilities in the United States than we do here. That danger removed, I would advise you, to make the ; and if you do resolve to do so, to send orders forthwith to Mr. Mason to effect it, for the English merchants are every day applying to Government with small sums on these conditions. I will endeavor, if possible, to delay my departure, until we hear from you on this subject. With great regard, I am, dear sir,

Ever yours truly,

J. R. POINSETT.

Defendant's Exhibit, J. M. No. 23.

Letter from Daniel Brent to Robert Oliver, dated
12th October, 1832.

WASHINGTON,
DEPARTMENT OF STATE,
12th October, 1832.

ROBERT OLIVER, Esq.

Dear Sir: I have the pleasure to acknowledge the receipt of your favor of the 9th, and to inform you that I have sent those which it enveloped, for Messrs. Moore & Butler, at Bogota, Mexico, with instructions to them to bring your claims upon the Governments to which they are respectively accredited, to as speedy and satisfactory a conclusion as possible.

I am, dear sir, with perfect esteem and respect,
Your obedient and very humble servant,
DANIEL BRENT.

Defendant's Exhibit, J. M. No. 24.

Letter from Louis McLane to Robert Oliver, dated
19th November, 1833.

DEPARTMENT OF STATE,
WASHINGTON, November 19, 1833.

ROBERT OLIVER, Esq.

Sir: Your letter, stating the fact of your having claims upon the Government of Mexico, and desiring that they may be embraced in any treaty made therewith, has been received, and is placed on file.

I am, very respectfully,
Your obed't serv't,
LOUIS McLANE.

Defendant's Exhibit, J. M. No. 25.

Letter from Abraham Miller to Robert Oliver, dated 5 July, 1833.

CITY OF MEXICO, 5 July, 1833.

ROBERT OLIVER, Esq.

Sir: I wrote you from New Orleans in reply to yours of 18th April. Having been detained there a considerable time waiting for a vessel, and having afterwards to perform quarantine at Vera Cruz, I did not arrive in this city until the 19th ulto. All business with the Government, of which I have a great deal, is necessarily postponed, by reason of the fresh political disturbances which have broke out in this ill-fated country. But I have the pleasure to inform you that I have effected a settlement with Laquerinn A. Bourdel, upon as favorable terms as, under existing circumstances, I had had a right to expect. Indeed, so favorable were the reports of confidential friends at Vera Cruz and this place, respecting the present circum-

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stances, and private worth of the individuals composing the House, and such was Mr. Laquerinn's reception of me at the first interview, that I was in hopes to have been placed in funds immediately. If this had been the case, I believe I should have been tempted, from the low rate of exchange, 12 pr. ct., and the alarm consequent on the hideous treason which had just been developed, to send you a bill on New York. But exchange soon after rose, and by granting a short indulgence, which they asked by reason of their house being only now emerging from the embarrassment under which it has labored for some time, I have obtained better terms. I have, accordingly, taken their notes at 1, 2, and 3 months, for the amount of their debt, with interest for the greater portion of the time elapsed, amounting to upwards of $900, they receiving a full discharge from me when the last instalment is paid. I shall remit the money as fast as they are paid, in the manner you have pointed out. But I would suggest the propriety of authorizing me to purchase bills on New York, if they can be had at 12 pr. ct., which is about the cost of transmission of specie, thereby avoiding the risk from hence to Vera Cruz, which, in troublesome times, is considerable, even when the money is escorted. However, I shall not deviate from your instructions without orders. The notes are $2500 at 1 mo., $2000 at 2 mos., and $2000 at 3. I trust you will have reason to congratulate yourself on being paid before some others who are waiting, and who think they have equal or superior claims to preference. With respect to Mina claim, I found that the papers had been delivered by Mr. Butler to Mr. Brantz, by your order, and they are now with an American merchant, who has a hiding-place in his house, where they were placed for safe keeping when there was danger of the city being sacked some time ago. Mr. Brantz has offered to hand them over to me, but the transfer has not yet been made. The successive and almost continued civil wars in this country postpone the period when anything may be done, with a probability of success, towards a final adjustment of revolutionary claims. The effects of these wars are injurious in two ways: by keeping the administration in power occupied with providing means for its own preservation, thereby affording an excuse for refusing to consider such subjects; and by increasing the public debt, already very large, thereby adding to the class of claims, which, under all administrations, have had the preference and absorbed the means of government.

But, if we could suppose it possible for this government to be established on solid and just principles, the owners of such claims might, I think, derive much consolation from the great resources of this country, which, under a prudent administration of the finances (supposing the correction of certain abuses), would afford ample means for defraying the expenses of government, and paying besides the interest, and sinking the principal of the public debt. Such a state of things is now anxiously looked for, as it always has been; but at present with more prospect of its being realized in a reasonable time, if we look into remote consequences.

It is true a civil war now rages, and the government is in considerable difficulty. But it is the opinion of well-informed Americans, and of foreigners here, that a great crisis is at hand, which must decide many questions, since it involves the very existence of the present form of government. It is, likewise, their opinion that it will result favorably for the liberties and independence of the country, for it is the democracy against the aristocracy, or those who wish to be governed by the laws and constitution against those who would wish to subvert the whole, and establish a military dictatorship, or some other absolute form of government. The army has been gained over to the cause of the latter, at least the officers, so much so, that little confidence is placed on those portions of it which still profess attachment to the government. Their dependence is now on the Civicos or militia, and an effort is now making to rouse the whole nation. Fortunately, the best disposition prevails in all the States to maintain the present form of government, and some of them have their militia on a respectable footing, from several years training and arming; they will be brought out soon, if necessary, when the issue cannot be long doubtful. The present constitution and form of government, which it has been the object of Santa Anna to rescue from the hands of its enemies, will be supported; the States will be maintained in their rights; the army, the author of almost all the troubles, reduced, so as to be harmless; the clergy curtailed in their power and influence; and a perfect and durable tranquillity restored. When these things shall take place, or, in other words, when the present liberal party shall be confirmed in power, I am of opinion that the revolutionary claims may be presented, with a fair prospect of success; for there is no doubt that a more pure patriotism, and higher sense of justice, will pervade the Congress and the Executive, as well as the public functionaries than has heretofore prevailed.

That such may be the result, and that you may thereby recover moneys so long withheld from you, is the ardent wish of, Sir,

Your obedient and humble servant,
ABRAHAM MILLER.

Defendant's Exhibit, J. M. No. 26.

Letters from Abraham Miller to Robert Oliver, 24th and 27th July, 1833.

MEXICO, 24th July, 1833.

ROBERT OLIVER, Esq.,
Baltimore.

Sir: The foregoing is a copy of a letter via Vera Cruz. Since that time, I have received the papers relative to the claim (Mina's and Tenant's) from Mr. Brantz. After having examined them, and made notes for the purpose of understanding the history of the transactions, and what has been done here, I have returned them to the same place from whence they came; being the safest place in the city, and where the archives of our diplomacy are sometimes deposited. The claims are substantiated in the most clear manner; but there is now a want of connection in powers of attorney.

Mr. Smith's half, which is assigned to you, is represented by Mr. Mason, with a power from Mr. Smith; and Tenant's claim, which was likewise assigned to you by D'Arcy and Didier, is represented by Mason, with a power from Tenant and D'Arcy and Didier. All this was right; and the reasons for it satisfactorily explained in my letter to Mr. Mason. But if I should be so fortunate as to reach the point of having to give them a discharge, an examination of the powers might lead to a discovery of the defect in the chain. However, your general power, with the explanatory letters, might be deemed sufficient. For the beginning they certainly are, and there will be, no doubt, time enough to supply the deficiency, if it should be required of us. With respect to Laguerinn's and Bourdel's debt, I apprehend considerable difficulty in knowing how to dispose of the money when I receive it. I hope the troubled state of the country, of which the public prints will have informed you, and which has an influence on exchange between this city and Vera Cruz, by stopping the conductors, will have drawn your attention to the subject, and will have induced you to give me some additional instructions. For although I have discretionary powers as to the mode of the recovery, the same power does not exist as to the manner of transmitting the money. I am directed to ship specie from Vera Cruz for any moneys I may recover, but nothing is said as to the mode of getting it there. I should, however, have considered myself justified in using the common conveyance by the *conducta.* But as they do not pass now, nor will they before the fall, if then, and there is no safety in the public stages, for they are frequently robbed, I have no alternatives but bills; and they are now, for the causes above alluded to, high, and rising. Exchange on Vera Cruz 11 pr. ct., on Tampico 7 to 8, on New York 16, on London .

All this is communicated with the hope that my embarrassment may be obviated, or that I may be free from the imputation of having kept back the money, if any delay should take place.

You may rest assured that I shall make no disposition of it which shall not be authorized by you, or justified by imperious circumstances. The expense of sending specie from hence to New York is as follows:

Freight, duty, and porterage, hence to Vera Cruz,		3½ pr. ct.
Export to in Vera Cruz,	3½	
Commission on shipping and expenses, . .	1	
Freight, ...	1	

Insurance about, ...	1½
	— 7
	10½
Add, . . .	½
It is said the German merchants insure at home in Germany, from Mexico to Vera Cruz, at .	2
	13

As respects the war, no important event has taken place since the date of my last. The rebels have, however, received several checks lately, and may now be said to be divided into predatory bands. Public opinion is decidedly against them, so much so, that they derive little or no succor from the people; which forms a remarkable contrast with the past revolution. For although that began by the troops, it was sustained by the people and carried through; whereas, almost the only accessions to the rebel arms are from the regular troops.

Santa Anna left the city, on the 10th, with a respectable force, and is yet in the field. No engagement has yet taken place, nor is it probable that there will be one; for his force will soon be so imposing, some say 20,000 men, that there will be nothing to do but pursue the fugitives. But such is the nature of the country, that it may be a long time before tranquillity is restored.

However, I anticipate a glorious triumph to the arms of the Republic, and to the cause of national liberty and sound principles, so intimately connected with the prosperity of the country, and, consequently, with the interests of all those who have transactions with the Government. When all these fond wishes shall be realized, or even in the course of consummation, we may then engage with confident hope in the great work of obtaining indemnification from the nation for the great sacrifices we have made to aid in procuring their political regeneration.

I am, sir, most respectfully, your obedient servant,

ABRAHAM MILLER.

MEXICO, 27th July, 1833.

ROBERT OLIVER, Esq.

Sir: The foregoing copy of my respects of 24th inst., via Tampico, and as I am told that letters will still be in time for the Congress Packet for New York, I have thought it prudent, in these troublesome times, to repeat what I have there said. Since then nothing has occurred to belie the political speculations which I there indulged in, and which, though consonant with my interest as well as my principles, were not on that account the less well-founded, since they rested on information derived from the most correct sources in the city. The cause of the rebels has become still more desperate. They are flying in all directions, and some are endeavoring to retrace

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their steps. Santa Anna, however, is still in the field pursuing the principal band with great vigor. But the most important news is the publication of an arrangement that has been formed among the powerful States of the north of this Republic to furnish their contingent towards a large, permanent, federal army of militia, to be well trained, and ready to be called out at any time. This will supersede the necessity of a standing army, that bane of the country, and insure for the future desirable tranquillity, especially when all the other States adopt the same plan. Business has been for some time almost entirely stagnant in this city, but the merchants look forward now with confidence to a revival in a short time, as the rebellion must soon be over, or at least so far put down as to occupy but little of the attention of Government. This being the present prospect, they have but little doubt that a conducta will depart in the fall for Vera Cruz. I shall of course embrace the opportunity, if one offers, to send you money, unless I receive different orders previously.

I am, with great respect, Sir,
Your obedient servant,
ABRAHAM MILLER.

N.B.—Your insurance of this money at the Neptune Office expired on the 1st instant.

Defendant's Exhibit, J. M. No. 27.

Letter from Abraham Miller to Robert Oliver, dated 3d October, 1833.

MEXICO, 3d October, 1833.

ROBERT OLIVER, Esq.

Sir: I wrote you on the 5, 24, and 27 July from this city, and am still without any letter from you. In my last, I informed you that I should send the money collected from Laguerinne & Bourdel by the conducta, which it was expected would set off in the fall, unless I received different instructions from you. For, in my previous letter, I had presented the alternative of bills, and gave you the premiums which then prevailed. These continue still so high, by reason of no conducta having departed, that they would not have been within your limits, if you had thought proper to recommend to me that mode of remittance. Being thus confined to take the common mode by the convoy, I have to inform you that none has yet set off for Vera Cruz. One was advertised for 25 August. It was afterwards postponed to 1st September, and afterwards indefinitely, at the request of the merchants, on account of the cholera, which it was feared might attack the guard on the route. At present, although the cholera is over here, the convoy is no more talked of; for the Government has no more troops to spare, and the robbers are in strong bands on the road. However, one will, in all probability, go in November or December, by which time the rebellion will probably be over; for Santa Anna, with a large force, is now besieging Guanajunto, the last stronghold of the rebels, and we daily expect to hear of its fall. Mr. Zabaler only came into the city the other day from Toluca, the capital of the State of Mexico, where he has been residing as Governor. He has leave of absence, and is now member of Congress. I have delivered to him Mr. Poinsett's letter, and we may count, I think, on him as a firm supporter of our claims. But, on this subject, I have much to say, and our views to present, all which I shall postpone until I have the pleasure of hearing from you. Your money shall go by the first conducta, unless, in the meantime, I receive counter orders.

Very respectfully, I am, Sir,
Your obedient and humble servant,
ABRAHAM MILLER.

Defendant's Exhibit, J. M. No. 28.

Letter from A. Miller to Robert Oliver,
dated 20th Nov., 1833.

MEXICO, Nov. 20th, 1833.

ROBERT OLIVER, Esq., Baltimore.

Sir: I have received your letter of the 2d September last, and am happy to find that my conduct has met your approbation, and I have now the pleasure to inform you that I have forwarded by the conducta $6000 to Mr. Stone, at Vera Cruz, to be shipped to New York on your account in the first good vessel. The bills of lading I have directed him to take in your name, to forward one to you for your indorsement and disposal, which would appear to be complying with your intentions as conveyed in your instructions. For you have not pointed out any house in New York to which the money is to be sent. I have, however, instructed Mr. Stone that, in case any strong objection should occur to that mode of transmitting the money, he may ship it to his correspondent, to be held subject to your order, free of commission, at New York. The insurance, I am informed you, expired in June or July last, and I presume you have renewed it. However, I have instructed Mr. Stone to notify you of the shipment by any opportunity which may offer for any port of the United States. There remains from the proceeds of the notes $500, which, being in copper and at a discount, I have thought it best to retain. From this I have paid 1 per cent., or $60, for the freight from here to Vera Cruz by the conducta, and some other small charges; the other expenses will be paid there by Mr. Stone, and will not amount to as much as I informed you. The small sum over my commission I will account to you for. Here, without adverting to all the causes which produced the delay on the part of the house of Laguerinne & Bourdel in remitting your money, I think it an act of justice to bear testimony to the polite conduct of Mr. Laguerinne of this city, with whom I transacted the business. Their standing, likewise, as merchants, is as good as that of any house which has been embarrassed, but ultimately met its engagements. All their debts are in the course of payment, and I am told by those who know, that they will have something handsome left. Moreover they enjoy the esteem of their fellow-merchants.

I would likewise mention the house of J. L. & Wm. Laguerinne, of this city, brothers of Mr. Laguerinne, of the other house, established here since one year under good auspices and inspiring much confidence. In case of reference to you respecting either of these houses, you may give this information for what it may be worth.

The rebellion may now be said to be over, for since the surrender of Guanajunto, their other forces in Oaxaca have been taken, and the chiefs sent out of the country: so that, with the exception of some small bands towards Acapulco, all is quiet. Santa Anna returned here with his army on 26th ulto. Congress are in extra session. The ordinary one takes in January next. I have been waiting the course of events, which are resulting to all appearance favorable for those who have business with the Government. But still I have disagreeable forebodings. The causes which prevent me from cordially congratulating you on the fulfilment of my predictions as to the result of the rebellion would lead me too far, and are foreign to the purpose of this letter. I will only observe that subjects of vast importance are now before Congress and the nation. We are in a crisis which must decide in a few weeks the fate of the nation, and whether it is to derive any benefit from the late glorious struggle. Santa Anna, strange to tell, wants a large army on the peace-establishment, and Congress seems determined to have only a small one. He shows symptoms and Congress of unprecedented resolution. But measures of public reform succeed each other with great rapidity in the chambers, and some of the scenes of the French revolution are enacting here. The church and the monks are boldly taken hold of and make no resistance. The tithes of the clergy are abolished, and Mr. Zabala has brought a proposition into the Chamber of Deputies, of which he is president, to create a board for the purpose of classifying and liquidating the whole of the public debt, foreign and domestic, and for the purpose of providing a fund has proposed to take the property of the monasteries and convents, valued at eighty millions, throughout the republic.

There is little doubt that it will pass in one shape or another, and the President has already published an order prohibiting the alienation of property belonging to those institutions, and annulling all sales of such made since 1822. There is likewise a motion to repeal the law prohibiting foreigners from holding lands and real estate, in order probably to favor the sales of the convent property if it should come to the hammer. So far so good, and all the leeches and bloodsuckers of the Government are preparing for glorious speculations. In consequence of this, old debts begin to be inquired after, and to be of some value, and an attempt will be made, no doubt, to blow up the Mexican bonds in England. But I would advise my friends to beware how they touch, unless for immediate profits, for the last holders may find the security illusory. Having written enough to put you on your guard both as respects selling and buying, and expecting soon to be able to give you more correct information, when I shall enlarge on some of the topics,

I remain, sir, very truly and
respectfully yr. obed't servant,
ABRAHAM MILLER.

Defendant's Exhibit, J. M. No. 29.

Letter from Abraham Miller to Robert Oliver, dated 21st February, 1834.

Mexico, 21st February, 1834.

Robert Oliver, Esq.,
Baltimore.

Sir: My last was of 21st November, informing you that I had sent $6000 by the convoy to Vera Cruz, to be shipped to New York on your account. This money you will, no doubt, have received long before this, for Mr. Stone transmitted me a bill of lading in the Congress in due time, having previously informed me that he had advised you of the intended shipment, that you might make insurance if it had not been done. I now avail myself of the return of Mr. Brantz to send you the account relative to the business which you will find inclosed, as likewise a bill of the expenses attending the shipment at Vera Cruz. This latter account you have probably received, as I requested Mr. Stone to forward you a copy of it.

With respect to the politics of the country, I am sorry to inform you that they are not much improved within the last three months. Notwithstanding the retirement of Santa Anna to his farm, with leave of absence for six months, and the tranquillity which is announced in some of your papers, I am sorry to say the country is still in an unsettled state; several rebellions and conspiracies have arisen since that of Arista and Duran. It is true they have been suffocated in the birth, and only the other day one was discovered in the capital here, and large arrests made.

However, it is some evidence of the strength of the Government that they are able to put down the rebellions with so much ease; and the States appear determined to support their present systems of government, good or bad. But the consequence of these disturbances is, that the country is becoming poorer and more exhausted every day, and the available resources of the Government are diminishing in a frightful degree. Whole bands of robbers infest the country. But I will not dwell on this disagreeable state of things, which you no doubt are informed of from other sources, almost

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necessarily resulting from the lenity pursued by the present administration towards the rebels, which invites to new crimes.

I come now to speak of what more intimately concerns us. Congress here are now occupied with the public credit, or providing ways and means for paying the national debt. I informed you in my last, that Mr. Zavala had brought in a bill to that effect. As it was the extra session, little was done. But in the present, which commenced in January, it was referred to a Committee of the House, who have lately made a long report, which has been once read in the Chamber of Deputies. It has not yet been published; but it is said to be very full, and to contain some and original views. Having just returned from a visit to the famous mines of Real del Monta with a party of English gentlemen, I have not had time to inform myself of the particulars of the report of this committee. But I begin to think now, that Congress are in earnest, and that something will be done; more especially, as there is now a large and influential party of public creditors, and speculators on those credits, here on the spot, whose clamors are loud and incessant for the passage of the bill. I gave Mr. Zavala a letter of introduction to you when he set off for France. If he paid you a visit on his way from New York to Washington, where he had some thoughts of going, if he could spare the time, he has made you acquainted with the particulars of his bill, and the probabilities of its prevailing. Your claims are provided for in it; probably, in consequence of the subject being brought to his notice by the frequent interviews I had with him about the time he was preparing the bill. He observed to me the day following, that he had provided, in his bill, for all my claims and those of my countrymen in general.

I congratulate you, sir, on the present prospects, which, I think, are more favorable than at any former period. I hope soon to be able to give you information that our claims are called for, for the purpose of liquidation; in which case, it will become necessary to ask you for the completion of the powers intimated in one of my former letters.

I remain, sir, most respectfully,
Your obedient humble servant,
ABRAHAM MILLER.

P. S. Since writing the foregoing, I have been informed, that the report of the Committee on Public Credit will *will* not be published, and that the whole subject will be discussed and matured in secret sessions, to avoid the intrigues and opposition of the enemies of the bill, if it should be made public.

A. M.

Defendant's Exhibit, J. M. No. 30.

Letter from Abraham Miller to Robert Oliver, dated 15th April, 1834.

Mexico, April 15, 1834.

Robert Oliver, Esquire.

Sir: My last was of 21st February last, by Mr. Brantz, inclosing you the accounts relative to the money recovered from Messrs. Laguerinne & Bourdel, and forwarded by Mr. Stone from Vera Cruz. Since that time I am without any of your favors. The return of Mr. Brantz will have enabled you to procure correct information respecting the state of politics then existing. Since that time, little change had taken place, until lately. The war in the South went on slowly, but still in favor of the Government; and, the rebels having been worsted in several victories, their officers became so desperate, that Bravo lately opened a negotiation with the Government, who have sent an officer, with power, it is said, from Congress, to allow him to retire to Peru for three years, with his grade and emoluments, on condition of a complete pacification.

We consider the war entirely over. The subject of the public credit, which, I informed you, was before Congress, has made but little progress. The States have thrown great obstacles in the way, by writing as well as by acting. Several of them claim all the convent property within their limits, to be sold for their own benefit, without caring for the public debt; and one has proceeded to sell a part of it. Such a disposition, on the part of the States, bids fair to frustrate the good intention of Congress. But they appear determined to persevere; and they will probably do something with the national debt. The report of the committee had not been published when I wrote you last; it has been since, and, to my surprise, was not so favorable to American claims as Mr. Zavala's first proposition; for they were not mentioned by name, and the classification was somewhat uncertain. I took no steps; determined to proceed, at the proper moment, as though nothing had happened. Accordingly, within a few days, I have began to move with your claims; and, if any reliance can be placed on appearances in this uncertain country, my prospect is favorable. Having been introduced by one of Mina's officers to a Mexican gentleman, formerly a member of Congress and now a retired colonel in the army, I have interested him to such a degree, without any promise of recompense, that he is enthusiastic in his wishes to serve us. He has great influence in Congress. My petition was presented a few days ago, and caused a great sensation; and, notwithstanding a certain prejudice said to exist against our nation, and to be sedulously fostered by evil-disposed persons, I am encouraged to hope that it will pass rapidly through both houses. From the previous preparation of this gentleman, or from some other cause, the current of opinion is said to be setting strongly in favor of these claims. I expect to be called, in a few days, before the Committee, to present your accounts, and anticipate a favorable report. I am sorry that I have no regular power for D. A. Smith's claim, and for Thomas Tenant's, & Darcy and Didier's claim. However, I have represented myself to be your general agent, and have little doubt of being able to convince them, that these claims have been transferred to you, or at least of being able to have them put in train, so as to be included in the liquidation, to receive a confirmation of the power from you, if necessary, afterwards.

I am happy to be able to give you this pleasing information, and nothing shall be wanting on my part to improve the present opportunity, and to make the result correspond with the present favorable appearances.

With great regard, I am, sir, most respectfully, your obed't serv't,

ABRAHAM MILLER.

Defendant's Exhibit, J. M. No. 31.

Letter from Abraham Miller to Robert Oliver, dated 5th Oct., 1834.

MEXICO, 5th Oct., 1834.

ROBERT OLIVER, Esq.,
Baltimore.

Sir: I received a short time ago your esteemed favor of the 8th July, which is the first letter I have from you since the shipment of your money from Vera Cruz, the letters acknowledging the receipt of it having miscarried. Mine of the 25th May, by Mr. Dale, was certainly very discouraging, but I thought it best to let you know the whole truth. The alternative of Texas lands was held out, without any particular object or definite opinion of my own on the subject, but merely as a mode by which something might possibly be recovered. I am glad it did not meet your views, and there are certainly strong objections to this mode of payment.

Nothing has been done since in your claim, as Congress has not assembled since their quarrel with Santa Anna, nor will they before January. But I am happy to inform you that, in my opinion, your debt is now in a fair way to be recovered, without taking Texas lands, and without making any sacrifice. So many complaints of outrages on the persons and property of our citizens by these people have been carried to our President, that it appears he has determined to put a stop to them, and likewise to demand satisfaction for the past. With this view, a special messenger has arrived from Washington with despatches to Col. Butler, and to wait his orders. The nature of the despatches has not transpired, but it is pretty well understood that they are of an important character; relating to making a demand of reparation for certain aggravated outrages, and to insist on the settlement of all claims between the two nations by a convention or board of commissioners, to be appointed by the two Governments. It is said to have been a favorite measure of Mr. McLane, who, last summer (1833), wrote to Col. Butler to urge it on this Government, but his proposition was treated with evasive and diplomatic answers. However, our Government was not to be diverted from its object, which presented the only mode in which the claims of our citizens could ever be recovered; as I informed Mr. Poinsett in a letter I had occasion to write him, and in which sentiment he perfectly concurred. Accordingly, the present instructions were prepared, I am told, by Mr. McLane, before his retirement from office. The messenger having been detained some time in the U. S., Mr. Butler has given me to understand that he is authorized to push the subject to a perfect adjustment of all accounts. I congratulate you, sir, on this good news, and advise you to hold on to your claim, or not to dispose of it to a loss. I would advise you likewise to have some influence exercised with the President and Mr. Forsyth, to encourage them to persevere, as the only hope you and others have of ever recovering one cent from this unprincipled and faithless Government and people. Sir, you ought to speak to the members of Congress from your city or State, to engage them to give their countenance and support to our worthy President and his administration, in this noble and patriotic design of vindicating the rights of our injured citizens, and bringing these people to a sense of their duty. No time ought to be lost, or exertions spared, for I expect every intrigue will be set on foot to baffle the designs of our Government, and to leave the collection of our claims to the hopeless exertions of isolated individuals. It may be very useful to prepare the public mind to support our Government by temperate paragraphs in the public prints on the subject of our differences with Mexico. In fact, the public ought to be prepared for the worst, and to support the Government efficiently, if it should be necessary, for it cannot now well recede or desist without having its dignity and importance lessened in the eyes of this Government, with manifest ruin to the future prospects of the claimants; and your vigilance and zeal are the more necessary, as I know every artifice will be resorted to to render abortive this attempt at accommodation. Once more I congratulate you on the fair prospect which now presents itself, of having your claims placed in such a position as to render it available in a reasonable time. I shall keep you advised of what is going on here, and should be glad you would inform me of anything worth communicating, which may occur on your side. I will write you more fully soon, this being written in considerable haste. In the mean time I hope you will use all proper discretion in the use of my name, if you should think proper to adduce my advice or opinions in support of any measure you may think proper to take, for I may have occasion to remain some time longer in this country, and therefore ought not to be exposed to the risk of being sent out of it by this Government, for the freedom of my sentiments. They are now very watchful here of everything that is going on at Washington.

I remain, dear Sir, with great respect,
Your obed't serv't,
ABRAHAM MILLER.

P.S. On reflection, I think it better not to advise the publication of newspaper paragraphs on the subject, until we discover more of the temper and disposition of Santa Anna and his administration. Besides, in the present posture of affairs, it might be an improper interference.

This had better be a subject for future discussion, or if it is left to the exercise of our own sound discretion, aid by the councils of those better able to advise than myself.

One important piece of information I must give you as having since on our business. Mr. Packenham, the British minister here, made a demand some time ago of indemnification for the robbery of $160,000, by the rebels, Arista and Duran, from a mine belonging to an English company, in Guanaxoato. The reply was unsatisfactory; and by the last English packet another order was received to make a positive demand with a disagreeable alternative. It is said, and I believe on good authority, that Santa Anna has at length consented to pay it. So much for energy. I could give you other proofs that this Government has nothing to expect from the sympathies of either England or France, any *any* dispute it may have with the United States, for the character of this Government and people is well understood abroad. I have given you nothing of the politics of the country, for I am disgusted with them.

Yours truly,
A. M.

Defendant's Exhibit, J. M. No. 32.

Letter from John Forsyth to R. M. Gibbes, dated
31st July, 1835.

Department of State,
Washington, 31st July, 1835.

R. M. Gibbes, Esquire,
Baltimore.

Sir: In answer to an inquiry in your letter to me of the 29th instant, I have the honor to inform you that Mr. Butler left this city several weeks since on his return to Mexico, in the character of *charge d'affaires* of the United States.

I have the honor to be,
Your obedient servant,
JOHN FORSYTH.

Defendant's Exhibit, J. M. No. 33.

Letter from J. R. Poinsett to R. M. Gibbes, dated 9th March, 1837.

WASHINGTON, 9th March, 1837.

My dear Sir: I received your friendly letter this morning, and assure you it will give me great pleasure to assist in the recovery of Mr. Oliver's just claim upon the Mexican Government. As soon as I understand the ground, I will give my attention to the matter, and advise what is to be done. My best remembrance to our mutual friends, Mr. Meredith and Mr. Gilmor.

I am, dear Sir,
Ever yours truly,
J. R. POINSETT.

R. M. GIBBES, Esqr.,
Baltimore.

Defendant's Exhibit, J. M. No. 34.

Letter from A. Miller to William S. Parrott, dated 19th July, 1839.

Letter from A. Miller to William S. Parrott, dated 19th July, 1839.

BALTIMORE, 19th July, 1839.

WILLIAM S. PARROTT, Esq.,
Mexico.

Sir: Having settled all accounts with the executors of the estate of Robert Oliver, late of this city, deceased, or rather with the Orphans' Court, which had cognizance of my claim, I have to request and order that the papers appertaining to the claim of the said Robert Oliver on the Mexican Government, for Mina's Expedition, be delivered up to or held subject to the order of the executors of the estate of the said Robert Oliver, deceased, or to their agents duly authorized to receive the same. As I left the papers of several claims with you, you will recognize the papers of this claim by its great size, its being enveloped with thick strong paper, bound with strong cords, and labelled in my handwriting as papers belonging to that claim.

With great respect, I am,
Dear Sir, very respectfully,
Your obedt. servt.,
A. MILLER.

Defendant's Exhibit, J. M. No. 35.

Letter from John Forsyth to Charles and Thomas Oliver, dated 7th March, 1840.

Department of State,
Washington, 7th March, 1840.

To Messrs. Charles and Thomas Oliver,
Baltimore.

Gentlemen: I have to acknowledge the receipt of your letter of the 5th instant, enclosing two communications for Mr. Ellis, which, agreeably to your request, have been forwarded to that gentleman, with an instruction for him to transmit to this department the papers which you desire. You shall be informed when they are received.

I am, gentlemen, your obedient servant,
JOHN FORSYTH.

Defendant's Exhibit, J. M. No. 36.

Letter from Powhatan Ellis to Charles and Thomas Oliver, dated May 7th, 1840.

Legation of the United States of America,
Mexico, May 7th, 1840.

Gentlemen: I have the honor to acknowledge the receipt of your letter, under date of the 5th of March last; and I now beg leave to inform you, that, in compliance with instructions from the Secretary of State, I have forwarded to his department, in Washington, all the papers in this legation, relative to the claim of the late Robert Oliver on the Mexican Government.

I am, with great respect,
Your most obedient servant,
POWHATAN ELLIS.

To Messrs. Charles Oliver and Thomas Oliver,
Executors of the late Robert Oliver, Baltimore.

Defendant's Exhibit, J. M. No. 37.

Letter from A. Vail to Thomas Oliver, dated 25th May, 1840.

Department of State,
Washington, 25th May, 1840.

To Thomas Oliver,
Baltimore.

Sir: Your letter of the 22d instant has been received. Mr. Ellis would be instructed to have made, at your expense, the copy of the papers which you request, if it was deemed probable, that they were in the archives of the legation at Mexico. There is, however, in this department, an inventory of the papers in those archives, in which no mention is made of the Mina papers. I take this occasion to state to you, that it is recollected here, as having been said in some letter, or other paper (but where cannot now be specified), that the documents relating to the late Mr. Robert Oliver's claim against Mexico, were handed to a Mr. Brantz, who, it is believed, was, for some time, a private agent, in that city, for claimants upon the Mexican Government.

If you are not aware of this circumstance, it may afford you a clue, which may lead to the discovery of those papers.

I am, sir, your obedient servant,
A. VAIL,
Acting Secretary.

Defendant's Exhibit, J. M. No. 38.

Letter from John Forsyth to Thomas Oliver, dated 8th June, 1840.

Department of State,
Washington, 8th June, 1840.

To Thomas Oliver,
Baltimore.

Sir: In answer to your letter to Mr. Vail, of the 5th instant, I have to inform you, that no reply has been received to the instruction, from this department, to Mr. Ellis, of the 15th March last, to which you refer.

I am your obedient servant,
JOHN FORSYTH.

Defendant's Exhibit, J. M. No. 39.

Letter from John Forsyth to Thomas Oliver, dated 10th June, 1840.

To Thomas Oliver, Esquire,
Baltimore.

Sir: I have to inform you, that a despatch has just been received at this department, from M. Ellis, in which he acknowledges the receipt of the instruction respecting the papers in the case of the late Mr. Oliver's claim against Mexico; and states, that it was his intention to send them to Tampico, by Mr. Montgomery, our consul at that place, who was to have left the City of Mexico on the 9th of May.

Mr. Ellis adds, that he had directed Mr. Montgomery to forward the documents to New York by the first opportunity, after his arrival at Tampico, to the care of Mr. Bedint of the Post Office there. The despatch agent of this department, in consequence of the great volume and weight of the papers, Mr. Ellis, thought it best to take this course, rather than transmit them by post.

I am, sir, your obedient servant,
JOHN FORSYTH.

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Defendant's Exhibit, J. M. No. 40.

Letter from J. R. Poinsett to Thomas Oliver, dated 11th June, 1840.

WASHINGTON CITY, June 11th, 1840.

THOMAS OLIVER, Esq.,
Baltimore.

Dear Sir: I have the pleasure to acknowledge the receipt of your letter of the 5th instant, respecting the claim of your late father's estate upon the Government of Mexico. It is entirely out of my power to furnish you with a more particular history of the Mina claims; the transactions which gave rise to them are notorious, and require, I should apprehend, no additional explanation. It will, I think, be necessary to employ an agent here, to present these claims to the Commissioners under the late treaty; and I would recommend, for that purpose, either Mr. Miller, who formerly had charge of them, or Mr. John Mason, of Georgetown, D. C.; either of these gentlemen would, I am sure, do the claimants full justice.

I take it for granted that Mr. Ellis will send the papers left with the American legation at Mexico, and I will confer with Mr. Forsyth on the subject, that further measures may be taken for the purpose, if necessary.

I am, dear sir, your obed't serv't,
J. R. POINSETT.

Defendant's Exhibit, J. M. No. 41.

Letter from John Forsyth to Thomas Oliver, dated 7th July, 1840.

DEPARTMENT OF STATE,
WASHINGTON, July 7th, 1840.

THOMAS OLIVER, Esq., Baltimore.

Sir: I have to inform you that the papers relating to the claim of the late Mr. Robert Oliver, against Mexico, have just been received at this department.

I am your obedient servant,
JOHN FORSYTH.

Defendant's Exhibit, J. M. No. 42.

Letter from John Forsyth to Thomas Oliver, dated 11th July, 1840.

DEPARTMENT OF STATE,
WASHINGTON, 11 July, 1840.

THOMAS OLIVER, Esq., Baltimore.

Sir: Your letter of the 9th instant has been received. The convention with the Mexican Republic makes it the duty of this department to hand over to the Board of Commissioners all papers which may be received at the department, relating to claims embraced by the Convention. Consequently, your request for the documents on the subject of the claim of the late Mr. Robert Oliver cannot be complied with. No objection, however, is entertained to their being examined by you or by any person in your behalf, during their continuance in this department.

I am, sir, your obedient servant,
JOHN FORSYTH.

Defendant's Exhibit, J. M. No. 43.

Letter from F. S. Key to David M. Perine, dated 8th July, 1839.

WASHINGTON, July 8th, 1839.

Dear Sir: Since my return home, I have inquired into this Mexican business.

It seems a treaty has been agreed on, between their Minister here, and the Secretary of State, and is now sent out by Mr. Ellis for their approval. It will then come here to be ratified by the Senate. So that I presume the treaty will be made and put under execution at the next session of Congress.

I learn it provides for the payment of claims, to be ascertained by a Board of Commissioners.

Very truly and respectfully yours,
F. S. KEY.

DAVID M. PERINE, Esq., Baltimore.

Defendant's Exhibit, J. M. No. 44.

Letter from F. S. Key to David M. Perine, dated 10th Aug., 1840.

NEAR BRUCEVILLE, CARROLL COUNTY,
MARYLAND, 10th August, '40.

Dear Sir: I have just received your letter, which was forwarded to me here from Washington. I understand that the Comss'rs will not be prepared to organize until some time in the next month, if then. In the mean time, however, the memorial and papers should be prepared.

I expect to be in Baltimore in about a fortnight, and will then have the pleasure of seeing you. But if you should think it desirable that I should see you sooner, let me know by a line directed to me here, and I can come at any time on a day or two's notice.

Very respectfully yours,
F. S. KEY.

DAVID M. PERINE, Esq., Baltimore.

Defendant's Exhibit, J. M. No. 45.

Letter from F. S. Key to D. M. Perine, dated 9th March, 1841.

WASHINGTON, 9th March, '41.

Dear Sir: I received your letter, and had previously heard all about it from Mr. Miller. He has since (I believe) received a letter from Mr. Mayer, and considers the matter all put right. I presume it can all be adjusted when the claim is decided on, so as to satisfy all who are interested. I am to see Mr. Gilpin, and have our memorial and accompanying proofs ready as soon as the translations are done. I inclose you Mr. M.'s letter.

Yours respectfully,
F. S. KEY.

Defendant's Exhibit, J. M. No. 46.

Letter from F. S. Key to David M. Perine, dated 3d June, 1841.

WASHINGTON, 3d June, '41.

My dear Sir: I have the pleasure to inform you that we have just had a decision of our case by the umpire. Our Commissioners have this moment told me of it. It was filed to-day, and gives us all our claim except about $600 deducted from what we claimed for the muskets. On Smith's claim we get 6 per cent. interest for all the time we claimed, and (including the 100 per cent.) 5 per cent. on the Company's claim. I will have a more particular account sent you to-morrow. The mail is now closing. While we were at work this morning hunting up the civil law, and Spanish authorities, the award was made.

Yours truly,
F. S. KEY.

Send the inclosed letter for Dr. Owens to Mr. L. Goodwin, to forward to him; he called on me yesterday.

D. M. PERINE, Esq., Baltimore.

Defendant's Exhibit, J. M. No. 47.

Letter from F. S. Key to D. M. Perine, dated 4th June, 1841.

WASHINGTON, 4th June, 1841.

My dear Sir: We have some unexpected difficulty about our claim; but I think it will not be a serious one. It is as to a mere piece of form. The paper sent by the umpire to the board as his award, determined (as I informed you) that all we claim is due, excepting $625 for the muskets, and 5 per cent. instead of 6, on the Company's claim from 15th April, 1817. Our commissioners had made it thus:

To White & Thomas, ...	$146,641 15
To you and Glenn, ...	452,082 42

From all this 1 per cent. deducted, except for $84,000 of it (Smith's claim and $625 for the muskets, will show you what we have by the umpire's decision). But he refuses to put his award in form, and say to whom this money is due, contending that he has nothing to do with that, but the commissioners are to do that. He is wrong, but I do not think it is very material, whether he or they do it. And one or the other I presume will.

We are to see them again in the morning, to get this settled.

Yours truly,
F. S. KEY.

D. M. PERINE, Esq., Baltimore.

Defendant's Exhibit, J. M. No. 48.

Letter from F. S. Key to D. M. Perine, dated 5th June, 1841.

WASHINGTON, 5th June, 1841.

My dear Sir: I got your letter to-day, and have examined the paper you mentioned. It is all right and according to your agreement.

Nothing could be done at the Board to-day. Our commissioners have drawn up a *a* decree, adopting the umpire's award, and making the calculations accordingly, giving Thomas and White one-half, Smith's private claim, and $\frac{1}{9}$ of the company's, that is the $\frac{1}{2}$ of his $\frac{2}{9}$ in the company and giving you the residue. The Mexicans have taken this decree and the papers, and we hope they will make up their minds about it on Monday. As soon as we learn anything further, you shall hear from us.

Yours truly,
F. S. KEY.

Mr. Miller says he has received your letter, and will attend to it.

D. M. PERINE, Esq., Baltimore.

Defendant's Exhibit, J. M. No. 49.

Letter from F. S. Key to D. M. Perine, dated 7th June, 1841.

WASHINGTON, 7th June, 1841.

Dear Sir: I have only time as the mail is about closing to say, that nothing was done to-day. The Mexicans said they were not prepared on the case. I hope we may hear from them to-morrow.

Yours truly,
F. S. KEY.

DAVID M. PERINE, Esq., Baltimore.

Defendant's Exhibit, J. M. No. 50.

Letter from F. S. Key to D. M. Perine, dated 11th July, 1841.

WASHINGTON, June 11th, 1841.

My dear Sir: I am glad to tell you that our difficulty is over. The Mexicans have consented to a decree according with the award of the umpire, and it is signed and sealed. I have examined it carefully, and it is all right.

Judge Rowan drew it up with great precision. We are much indebted to him. He was about going to Kentucky, but very readily agreed to stay till this case was settled. I ordered a copy to be made out for you; but they say they are so busy in making out the copies to be sent to the Secretary of the Treasury, that it cannot be done for some time.

Yours truly,
F. S. KEY.

D. M. PERINE, Esq., Baltimore.

Defendant's Exhibit, J. M. No. 51.

Letter from F. S. Key to D. M. Perine, dated 14th June, 1841.

WASHINGTON, 14th June, 1841.

My dear Sir: I have seen Mr. Miller since I got your letter this morning.

He will send you a statement and calculation by this mail. As soon as we can get the award copied, you shall receive it.

Yours truly,
F. S. KEY.

D. M. PERINE, Esq., Baltimore.

Defendant's Exhibit, J. M. No. 52.

Letter from F. S. Key to D. M. Perine, dated 28th July, 1841.

WASHINGTON, 28th July, 1841.

My dear Sir: We have this moment succeeded in getting, by unanimous consent, through the Senate, a short bill, authorizing immediate action on our Mexican awards by our Executive, and directing the Secretary of the Treasury to give the claimants proper certificates forthwith. This is a most important measure, and I should have written to you before, but since we started it, could better employ my time here. Now our effort is to get it through the House, in which we shall want all the help we can get. Kennedy is helping, but perhaps he will be quickened a little if he gets a line from you or Mr. Glenn. Give it to him by the cars this evening, as we are trying to have it brought on to-morrow morning. I will see you as soon as I can leave here.

Yrs. truly,
F. S. KEY.

D. M. PERINE, Esq.,
Baltimore.

Defendant's Exhibit, J. M. No. 53.

Letter from F. S. Key to D. M. Perine, dated 3d August, 1841.

WASHINGTON, 3d August, 1841.

My dear Sir: We are beaten—but we do not mean to stay beaten. The Committee met this morning (five members of the nine only attended), and Mr. Cushing succeeded in getting a majority to concur with him in agreeing to report against the Bill of the Senate. We have now nine or ten members prepared to argue the matter strongly for us whenever he makes the report. We then got Mr. Kennedy to go with us to the President. We found him engaged; but he has fixed 9 o'clock to-morrow to see us, and says he can then give us an hour. We then called on Mr. Webster, and he is clear and positive as to our construction of the treaty, and the obligation of the Government to carry it out for us.

He advised us to see Mr. Ewing, and we did so. He concurs entirely with Mr. Webster, and says he would gladly have carried out those views in his department, but thought an amendment of the law necessary, and says he will do anything to aid us. Our object is to get the President to consult the Cabinet (who meets to-morrow), and if our construction of the treaty is found correct, then to send a short message to Congress, stating the construction of the treaty, the state of the awards, and the course of the Board, and asking an act of Congress to authorize the Executive to carry it into effect, as provided by the Senate bill. When we get this, as I trust we shall, Messrs. Cushing and Everett may strike, and I think they will. I inclose you one of our papers.

Yrs. truly,
F. S. KEY.

D. M. PERINE, Esq.,
Baltimore.

Defendant's Exhibit, J. M. No. 54.

Letter from F. S. Key to D. M. Perine, dated 5th August, 1841.

WASHINGTON, 5th August, '41.

Dear Sir: Judge Rowan has resigned; and the President told us yesterday that a successor would be in his place in two or three days. It is conjectured that it may be Brackenridge, of Pennsylvania, but it is uncertain. I inclose you a printed certificate as they are now ordered.

We are to have a meeting of the Committee on Saturday morning, at 9 o'clock, and after seeing the President and Attorney-General, we agreed to do as the Attorney-General advised, that is, consent to waive for the present the question about the construction of the treaty, and leave that to the Executive, and let the 2d section of the Senate's bill be passed, and the 1st section, which requires our executive *now* to call on Mexico, be struck out. I regret very much that we are obliged to take this course; but it was perfectly clear that we could not succeed in any other way. By this we get the certificates for convenient amounts, and so as to suit particularly such of the claimants as may want to use them. It also suits those who may mean to let them be for the Government to collect for them; for it holds out the performance of that duty. We know that the Secretaries, both of state and treasury, consider the obligation on Mexico now to pay the awards as made, and I should hope, having that opinion, they would call on her accordingly without further legislation. This, however, is somewhat doubtful.

They may choose to wait to the close of the convention. Let me know what you think of this.

Yrs. truly,
F. S. KEY.

D. M. PERINE, Esq., Baltimore.

Defendant's Exhibit, J. M. No. 55.

Letter from F. S. Key to D. M. Perine, dated 13th August, 1841.

WASHINGTON, 13th August, 1841.

Dear Sir: I inclose you a copy of our memorial, just printed, and laid on the desks of the members. All depends now on our getting active friends to the measure to call the matter up and debate so that the House may hear and understand it. This we hope to effect. We shall have to meet Mr. Cushing's and Mr. Everett's earnest opposition; but we think Ewing's and Webster's letter will satisfy the House. We are also trying to get the President to make a communication to Congress; but our success in this is uncertain, and I hope we may do without it.

Yrs. truly,
F. S. KEY.

DAVID M. PERINE, Esq., Baltimore.

Defendant's Exhibit, J. M. No. 56.

Letter from F. Key to D. M. Perine, dated 25th October, 1841.

WASHINGTON, 25th Oct. 1841.

Dear Sir: I have everything now fairly in progress, and believe

I shall have no difficulty. Some alteration in the terms of the paper which I prepared for them to give me here, about the amount retained for Sheppard's portion, will be made, but not a material one.

To-morrow I think I shall finish, having prevailed on the clerk making out the certificates, to take them home with him and work to-night. If the commissioners should still be absent to-morrow, I shall leave an application for your original deed, leaving a copy, which I shall take care shall be attended as soon as there is a Board. I have looked over all the papers, and selected some I thought you might want, which are now copying. I shall bring them with me to-morrow, as I hope.

Yours truly,
F. S. KEY.

D. M. PERINE, Esq., Baltimore.

Defendant's Exhibit, J. M. No. 57.

Letter from F. S. Key to D. M. Perine, dated 8th December, 1841.

WASHINGTON, 8th Dec. 1841.

Dear Sir: Mr. Nourse, at the Register's office, to-day, requested I would suggest to you that, as the department will issue new certificates as soon as the Court decrees, in the names of the parties to whom they are to go, whether it will not be as well to let them be as they are till then. I told him I would propose it to you. Let me know how you would prefer it done. I saw Mr. Webster, who promised to write to you.

Yours truly and respectfully,
F. S. KEY.

DAVID M. PERINE, Esq., Baltimore.

Defendant's Exhibit, J. M. No. 58.

Letter from F. S. Key to D. M. Perine, dated 13th Dec. 1841.

WASHINGTON, 13th Dec., 1841.

Dear Sir: I have called on Mr. Nourse, who promises to have your certificates ready as soon as the clerk, who is just now engaged, is at leisure. He thinks they can be done by the last of this week. I will inform you as soon as they are ready. We have done nothing yet about our meeting. I have spoken to some of the other claimants, but they do not seem inclined to move at present. I think they are waiting to see what principles may be adopted by the umpire, in some of the cases now before him. When we do meet, I would be glad if you could attend. I will let you know when it is.

Yours truly,
F. S. KEY.

DAVID M. PERINE, Esq., Baltimore.

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Defendant's Exhibit, J. M. No. 59.

Letter from F. S. Key to D. M. Perine, dated 11th January, 1842.

WASHINGTON, 11th January, 1842.

My dear Sir: They promised to inform me when your new certificates were ready: and last week they said they would be done in two or three days. As soon leave the Court, I will call and see about them. We are doing nothing about applying to Congress. It is best so; for those who have, and those who have not certificates, could hardly agree in what we should say, and what we should ask. The time is up in February, and then perhaps something may be done.

Yours truly,
F. S. KEY.

D. M. PERINE, Esq., Baltimore.

Defendant's Exhibit, J. M. No. 60.

Letter from F. S. Key to D. M. Perine, dated 24th February, 1842.

WASHINGTON, 24th Feb., 1842.

My dear Sir: Our poor friend Miller's Mexican certificates are advertised for sale by his executor on Saturday evening next.

It seems he owes about $1200, and the executor tells me, he means to sell enough to pay that amount. Nobody here can buy; and thinking it would be a bad thing for the holders of the article that it should be sold here for a trifle, I thought of proposing to some of the holders here, that we should unite and raise funds enough to buy at a fair price (say 80), as much as would be necessary to make to the executor the $1200 needed for the debts. I have seen a number of them, who seem unwilling to do anything about it. I suspect some of them who have heavy claims undecided, think it will be a good thing for them, to throw discredit on the whole concern, and that then it may help them in an effort to get Congress to consider the treaty, or all the proceedings of the Board, as nullities, and open a new negotiation, or make some new demands on Mexico, in which they may come in. Our interest is to stand by the decisions of the Board, and have them carried out, and if Mexico does not fairly pay the awards, then to look to the Government for the amount of the certificates awarded; and not for a new scramble or confusion of claims. Could this $1200 wanted be borrowed in Baltimore, on a pledge of double the amount of the stock? and so a sale prevented? or (which would be better) could we raise $1200, and bid enough of the stock off at 70, 75, or 80? I would willingly put in one or two hundred dollars in such a concern. Let me know whether you think anything can be done. If necessary, I could get the executor to postpone the sale for a week.

Yours truly,
F. S. KEY.

DAVID M. PERINE, Esquire,
Baltimore.

Defendant's Exhibit, J. M. No. 61.

Letter from F. S. Key to D. M. Perine, dated 5th March, 1842.

WASHINGTON, 5th March, '42.

MY DEAR SIR: We have had some conference among ourselves as to the course proper to be taken by the holders of Mexican certificates. It seems to be generally thought, that it is better to wait a little while, to see whether anything will be done or said under the measure proposed by Mr. Walker in the Senate.

Mr. Gilpin (who holds a large amount) will be here soon; and we propose then to have another conference, of which I will inform you. The amount awarded is rather less than 2½ millions, and 16 cases are returned by the umpire undecided; the term having expired before he had time to determine them.

Miller's certificates (above $500 of them) sold, at auction, for cash at $48 and $49.

Yours truly,
F. S. KEY.

DAVID M. PERINE, Esquire,
Baltimore.

Defendant's Exhibit, J. M. No. 62.

Letter from F. S. Key to D. M. Perine, dated 7th April, 1842.

WASHINGTON, April 7th, '42.

MY DEAR SIR: I will try and take advantage of an interval in our Court, to let you know the progress we are making in our Mexican affairs. Mr. Howard, no doubt, told you how I was employed when he was here. Mr. Webster has since expressed his approbation of the views I presented in my paper; and our minister, therefore, you may be sure, will be well instructed. They amount, in substance, to this:

1. He is to demand payment, and get it in money, or as much of it in money as he can.

2. If Mexico insists on paying in notes, then he is to require: 1. That the notes should stipulate for payment at some fixed time. 2. That the interest on them should be annually paid, till payment of the principal. 3dly. They should be receivable for duties, till the time of payment, as equivalent to specie, to amount of half the duties payable.

3. That they should have a preference in the Mexican custom houses over all other notes, &c., issued since the date of the treaty.

4. That a new arrangement should be made with Mexico for payment of the sums awarded by Mexico to the United States in equal annual instalments, with interest, in 5 or 6 years. Now, if we get the notes in this way, I think, with 6 per cent. interest, paid annually, they will be worth par; and when Mexico fails to pay interest, then our Government would be bound to compel her.

I believe, however, that Mexico will refuse to give the notes in this form, and will offer them without any time of payment, and without any stipulation as to interest, making them only payable by being receivable at her custom houses. The instructions require the minister to refuse them, if so offered. The Secretary is clear, that Mexico shall not be allowed to pay us in her depreciated and unredeemable paper.

This will be the issue to put the quarrel on; and if the negotiation breaks off there, our Government will be bound to enforce their views.

I think, however (unless Mexico wants a quarrel, and has got England to stand by her), that, under the fourth proposition, some arrangement will be made with her.

I have fully satisfied the Secretary, that, after the treaty with us, if Mexico issues a mass of treasury notes receivable at her custom houses, whereby such paper becomes depreciated, we are not bound to take payment in such paper; and that all such paper, issued since the treaty, should be postponed to what she issues on these awards. When I come to Baltimore, I will bring the rough copy of the instructions, that you may see them.

Yours truly,
F. S. KEY.

DAVID M. PERINE, Esquire,
Baltimore.

Defendant's Exhibit, J. M. No. 63.

Letter from F. S. Key to D. M. Perine, dated 7th May, 1842.

WASHINGTON, 7th May, 1842.

MY DEAR SIR: We have, I believe, at last, our despatches ready to be sent to Mexico. We consider it most important they should go immediately and safely, and by a messenger, who will be able to understand and explain to our minister the difficulties that may be opposed to his demand on Mexico, and the way they should be met. Also, that he should bring back, as quickly as possible, the answer of Mexico. The despatches will be all we could desire; and we feel persuaded, that Mexico will refuse to comply with our demands. When this refusal comes, it is important that Congress should be still in session. I understand that Mr. Adams has said, if Mexico will do us justice he will be willing to move for war or reprisals. Now, we have been urging all this on Mr. Webster. He says, he cannot send a messenger; that they must take their chance by mail. We believe that this is owing not so much to the want of funds (which is his excuse), as to the rough censures cast upon him for sending out unnecessary messengers with despatches.

We think our point can only be accomplished by a memorial to the President, or to the Secretary of State, from the claimants, requesting the despatch of this messenger; and that he be allowed to remain and wait the issue of the demand, and bring back the answer. And we have a man just fit for this purpose in Mr. Parrott, now in your city, formerly our consul there, and now a large claimant, and well acquainted with the whole business. He is willing to go, as we learn; and if any one is sent, he can be appointed. I want you and Mr. Glenn, therefore, and all the other persons interested, such as Morris, and his directors, and Thomas, and White, if they choose, and any others, to authorize me to subscribe their names to such a memorial; and let it be done at once, as we shall have it ready on Monday; and we have no time to lose.

Yours truly,
F. S. KEY.

DAVID M. PERINE, Esq., Baltimore.

Defendant's Exhibit, J. M. No. 64.

Letter from F. S. Key to D. M. Perine, dated 8th June, 1842.

WASHINGTON, June 8th, 1842.

My dear Sir: I hope our Mexican affairs will soon begin to look brighter. Mr. Webster returned yesterday, and to-day I put into his hands the paper I had prepared at his request to be inserted in his communication to Congress, showing the instructions under which our minister was to act in settling with Mexico for the awards. Mr. Coxe had also given him another paper for the same purpose, in relation to the course to be taken on the undecided claims. He promises to make the communication as soon as possible. We have hopes that this communication alone, showing how the Executive Department understands and means to enforce the treaty, will at once give a value to our certificates.

But we do not mean to stop there; we hope the Committee of Foreign Relations, to whom it will be referred, will come out with a strong report, approving the course taken by the Executive, and authorizing its enforcement, and adding (if we can get it) a resolution declaring that approbation, and authorizing the President, if Mexico should refuse to comply with our demands, to issue letters of marque and reprisal. Mr. Adams told one of the claimants lately that he would be willing to authorize such a measure, if Mexico refused to comply with the treaty. If we can get such a report and resolution, I should consider the matter safe, and that with proper management on the part of our minister, we could have it properly settled. I had also thought of a plan to secure this. It seemed to me, that the matter was of sufficient importance to justify a special mission to Mexico; and if that could be done, it would have great weight with her, and show that our Government was in earnest. Then I thought that if Mr. Coxe or I could go out in that way, say as Chargé, authorized to act jointly in the negotiation with our present minister, we should have the advantage of understanding the whole subject, and aiding our minister in the decision of all the questions that may arise. Without such help he might not get on safely, as he is not familiar with the subject. I proposed this to Mr. Coxe, and told him we would both help to get this done, and draw lots to determine which should go. But this was all vain. On sounding a senator, I found that it could not be accomplished. Nothing, therefore, is left for us but to get a safe messenger sent off with the despatches. I told Mr. Coxe that perhaps we could get the holders to give us a commission, say one per cent., which might induce one of us to go, even as messenger, with a letter from Mr. Webster, telling Thompson how we had been engaged with him and knew his views, and could assist him in the negotiation. Mr. C. said he would not go in that way, and I find the scrip-holders would not give anything.

I want you therefore to see Mr. Parrott; he boards just opposite Monument. Ask him if he has any difference with the Mexican people, or is in any way obnoxious to them (the notion here is that he is so) and if not, see if he would be willing to go, and take out the despatches. It would not do to send him if there exists such an objection. I have heard there were claims against him there; if so, our Government would not send him out in a capacity that would protect him. If there is no objection of this sort, he would do very well, if he is sufficiently interested in the same way that we are, that is, as a claimant whose claims have been decided. You are aware that many large claims were left undecided, and though I believe he had an award, yet I have understood that his larger claim was not decided. Now between those different sorts of claimants there may arise in the negotiation different interests, and we ought to take care that, having (as I think) an advantage, it ought not to be waived or sacrificed for the sake of the others. Mexico may be willing to settle with us, because our claims are decided, and the amount known, and the others are of very large amounts, and much disputed. She ought to be allowed to do this if she will, whatever opposition she may make to the other part of the business.

Yours truly,
F. S. KEY.

David M. Perine, Esq., Baltimore.

Defendant's Exhibit, J. M. No. 65.

Letter from F. S. Key to D. M. Perine, dated 20th June, 1842.

WASHINGTON, June 20th, '42.

My dear Sir: Have you seen a notice in our paper, calling for a meeting of all persons interested in claims on the Government, on Wednesday evening next at 5 o'clock at the City Hall?

We wish to make it as large and respectable as possible. Cannot you join us, and bring with you as many as you can? I have nothing new to tell you about our Mexican affairs. Mr. Webster, after all our labor with him, discovered that he had nothing to do with it, and sent us to the Secretary of the Treasury. We are now at work upon him, and are to wait upon him to-morrow. We are trying to get him to send out a special agent to demand payment of the awards. He, at present, seems to think that what we want done must be effected by or through the State Department. I will write as soon as anything is determined on.

Yours truly,
F. S. KEY.

P. S.—I send you a speech.

Defendant's Exhibit, J. M. No. 66.

Letter from F. S. Key to D. M. Perine, dated 22d July, 1842.

WASHINGTON, July 22d, '42.

My dear Sir: I write to tell you that I think our Mexican prospects are brightening.

The late messenger, who went off with despatches last week, took nothing for us. This we tried in vain to prevent. Our instructions could not be got ready. The Secretary of the Treasury went off in a hurry in the midst of the preparation for them, and as soon as he came back was taken ill, and has so continued ever since. This I found put a stop to the business. I regretted all this at the time very much, but like many of our disappointments, it will I believe all turn out for the best. I have been following them up for a week past to get the papers ready and send off another messenger, as it seemed to have been concluded to make our minister there the agent to demand payment or settlement of the awards. A day or two ago I found that the steam-ship Mississippi was to be sent to the Gulf of Mexico, and it occurred to me that if we could have an agent appointed, and sent out in that ship to Vera Cruz, it would have a good effect upon Santa Anna and induce him to do us justice. Accordingly I suggested this course to the claimants here, and this morning went and explained the matter to the Secretary of the Navy, who at once came readily into it, and said he intended to send the ship to Vera Cruz, and she could take the agent. I then proposed that we should see the Secretary of State, and the President, and we have done so. I learned last night that there was a person here, who knows nothing about the business and would not suit us at all, who was very urgent to have the appointment, and would probably be selected. We thought therefore, on conferring with some of the claimants, that we had better prevent this if we could, and ask to have somebody appointed that we knew would be competent. This we have done, and the President asked us at once who we wanted. I told him that perhaps Mr. Coxe or myself would go, and that we thought it likely the claimants would prefer us. He said at once, he would send either or both of us, or whoever the claimants would recommend. On this we left him, and are to see him to-morrow, and this evening the other claimants are to meet, and say who they wish to be sent. I learned from one of them that there are two others desirous of going; but I think they will prefer Mr. Coxe or myself, or either of us. They are to let us know in the morning. There is no time to be lost, as the ship will sail in a week.

Now as to Mr. Coxe and myself, a difficulty arose. Mr. Webster thought we could only go as the agent of the Treasury Department, not of the Government, and that our only business would be to get the money or the treasury notes, and bring them home as a sort of agent or messenger, with no authority from our Government to that of Mexico. We found the President understood this difficulty, and that the appointment would come from him, and would accredit us at once to the Mexican Government, so as to enter upon and conclude the settlement of the subject, as representing the Government. I then set to work to have the papers ready at all events, and while doing this, saw Mr. Webster again, and told him of the different views taken by the President. He said the President had nothing to do with it; and that without a public diplomatic character was given to the mission (which could only be done by a nomination to the Senate, and this I had before learned was impossible to be effected), we could only go, as he before stated, as a treasury agent, to bring home the money.

I gave him to understand that in such a way neither of us would go, but that we might get somebody else. Shortly after this he sent for me, and then told me he had been thinking of it, and had made some inquiries about it, and that he now thought it could be put upon the footing we wished. I had told him that I had seen the appointment prepared for Mr. Thompson, and that paper seemed *seemed* to correspond with the President's views, and was to be given by the President. I think therefore this difficulty will be in some degree removed, so that the appointment can be put upon a respectable footing, enabling us to go, not in a public diplomatic character, but still as an agent from our Government to that of Mexico. This would leave as the only remaining matter for our consideration, the compensation. It will certainly be enough to cover expenses; but probably not more, or very little more. If that should be the case, Mr. Coxe will not go; as he says he could not afford, and has not a sufficient interest, to justify his leaving his business without an equivalent. Now, I should feel much inclined to go, but I have some claims before Congress and other matters here now on my hands, that might suffer, and by which I might lose, and in relation to which I must employ, at my own loss, somebody to undertake my duties for me. If I went, also, I should require, and so I think would Mr. Coxe, to take a clever young man here, a good Spanish scholar, as a sort of secretary; and this I presume would have to be done at our expense.

A commission from the holders of the awards of one per cent., contingent on the recovery of the awards, and payable only when received, would be, to either Mr. Coxe or myself, a sufficient compensation, in addition to what the Government would give us. But the claimants have, I am sure, at least, as to almost all of them, would not agree to this, as they think (and indeed justly), that the Government ought to bear all the expense. It has occurred to me, that you and the other claimants in Baltimore, might be willing to allow this one per cent.; some of the smaller ones here might also come in to it. And this might be a sufficient inducement, either to Mr. Coxe or myself. Though, I think, as to Mr. Coxe, that he is not much inclined to go; and that, at any rate, he would give way to me, if I wished to go. Indeed, he said so; and that, no matter what footing it was put upon. I feel no doubt, that the claimants will be glad to have either of us go, and will not care much which of us goes.

I thought, therefore, I would let you have this view of the matter, that you may consider it, and do what you think right.

There is another point we have thought of; but, I fear, it would be thought too much to ask. It is this: that the Mississippi should stay at Vera Cruz for a week or two, till we made the demand and got our answer; as, in that case, Santa Anna would think that our Government was in earnest, and that there must be no more trifling. This would be a great thing for us. But, perhaps, without this, the ship's being there, even for a day or two, might produce the same apprehension, and facilitate the settlement.

If I go also, I should like you to send me a printed copy of our memorial to the Board (of which some copies were sent to you); a copy in Spanish I would prefer. You may remember, that the Mexican Commissioners made no objection of any serious kind to our claim, but acknowledged its merits. I have thought, therefore, that, if they should refuse to settle the others, they might feel disposed to show their justice toward us. If I fail in everything else, I might give them a hint as to this; and the memorial presents strongly the merits of our claim. I shall write to Mr. Gilpin, in

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Philadelphia, who holds about $4 or 500,000 dollars; and who, I think, if this arrangement can be made, would allow one per cent. on his awards.

Yours truly,

F. S. KEY.

DAVID M. PERINE, Esquire,
Baltimore.

Defendant's Exhibit, J. M. No. 67.

Letter from F. S. Key to D. M. Perine, dated 8th October, 1842.

BALTIMORE, 8th October, 1842.

MY DEAR SIR: I called to see you to-day, and had a letter from our Mexican minister to show you. It gives a favorable account of our prospects. He says, I anticipated, when I first came, much difficulty on the subject of these claims; but I now apprehend none. I do not think there will be any difficulty in making the new arrangement of giving them time, and having a day fixed for the payment, and under very sufficient guarantees. In a word, they are terribly frightened; and, if I had the papers and instructions (and it is to me perfectly unaccountable that they have not been sent), I will answer with head, to have it arranged; and a much better arrangement than that of the convention in one month. If anything defeats this, it will be the delay in presenting the claims.

I repeat the most positive assurance, that, in a month, I can arrange the matter of the awards as well as the pending claims.

If it is true, that those in whose favor awards have been made, are sacrificing them at the rate that I have heard, you are authorized, in my name, to advise them against such sacrifices. I regard the paper as quite as good as any other Government paper.

I am glad to hear your daughter is recovering.

Truly yours,

F. S. KEY.

D. M. PERINE, Esquire,
Baltimore.

Defendant's Exhibit, J. M. No. 68.

Letter from A. Miller to D. M. Perine, dated 13th August, 1840.

WASHINGTON, 13th August, 1840.

D. M. PERINE, Esquire.

Sir: I received in due time your esteemed favor of the 5th instant, with its inclosure.

Mr. Key has been here since my arrival, but was off again before I could see him. He remained only one day; and left word, that he would be back in two weeks, that is, on Monday next. You will have perceived from the papers, that the Mexican Commissioners had arrived in the country. They reached here to-day. Nothing will be done until Monday, 17th, when the Board will probably be formed. I have met with an important piece of information in regard to our claims. It is contained in the printed documents accompanying a special message of the President to Congress, in February, 1837, on the subject of Mexican affairs. In the collection of a list of unsatisfied claims on Mexico, and at the head of the list, is that of the "Mexican Company of Baltimore," and in a note by Mr. Forsyth the claim of "Mr. Oliver, of Baltimore," is particularly alluded to, and commented on as having been presented to the notice of our Government. I have this day obtained the pamphlet from an officer of the Senate, who has charge of such documents; and no doubt now remains on my mind now of our being able to bring the claim fairly before the Board, and having adjudged according to its merits.

I congratulate you on the discovery, and remain,
Most respectfully, Sir, your obedient servant,
ABRAHAM MILLER.

Defendant's Exhibit, J. M. No. 69.

Letter from A. Miller to D. M. Perine, dated 12th October, 1840.

WASHINGTON, 12th October, 1840.

Sir: I expected ere this to have been able to inform you that something had been done in Mr. Oliver's claim, and I regret having so long delayed to write you on the subject. Instead of being able to report progress, I have only to state, what I might have told you a month ago, that the Board are not yet organized for business. This is owing to the difficulties thrown in the way by the Mexican commissioners in regard to establishing the rules of proceedings. These have been under discussion more than a month, without their being able to come to a decision. The patience of our commissioners has, I have reason to believe, been nearly exhausted, and it was thought their conferences, which are in secret, would ere this have resulted in something definitive, and even of a disagreeable character. But our commissioners have both for the present retired to take a breathing spell, and a recess, for an indefinite period, has been agreed upon; although I cannot learn that there has been any regular adjournment. In the mean time the secretary will be employed in making certain arrangements of the papers. The claimants begin to be very impatient, and talk of memorializing the Government. However, Mr. Key having come on here very opportunely, a paper on the subject, prepared by Mr. Coxe, an eminent lawyer, and attorney for some large claims, was shown to him for his perusal and approbation. The consequence was, that he and Mr. Coxe have to-day waited on Mr. Forsyth, and had an interview with him, for the purpose of presenting this paper (informally) and expostulating with him on the tardiness of the commissioners, and at the same time of exciting the Government and to accelerate their proceedings. Mr. Forsyth was of opinion that the time had not yet come for the interference of the executive.

It will probably be a month before the commissioners meet again. Mr. Key returns home in a day or two, but he will not pass through your city; he has advised to write to you to make known the present condition of things. He will be back here the 26th of this month. The book you were to procure, "Robinson's History of Mexico," has been found here in the library of Congress, and I have likewise discovered some *some* more House and Senate documents of great value to our cause. What I have written respecting the Board of Commissioners I wish to be considered for the present confidential; as we do not wish anything to get into the newspapers as coming from us. It is probable something will soon appear there on this subject, but as editorial.

With great respect, I am, dear sir,
Your very obedient and humble servant,
ABRAHAM MILLER.

D. M. Perine, Esq., Baltimore.

Defendant's Exhibit, J. M. No. 70.

Letter from A. Miller to D. M. Perine, dated 28th December, 1840.

Washington, 28th Dec., 1840.

Sir: A considerable time has elapsed since I had last the pleasure of addressing you; neither has anything particular occurred to be communicated respecting your business; more especially as Mr. Key told me he had written you lately on the subject. The Board of Commissioners met only a few days ago, after their long recess. They have adopted scarcely any of the rules proposed for regulating their proceedings, notwithstanding the long discussions which took place previous to their adjournment. Great uncertainty and doubt, of course, prevail as to the mode of preparing the memorials and testimony, and likewise as to the manner of presentation of the claims, whether it is to be directly to the Board or through the intervention of Mr. Forsyth.

The Mexican commissioners have opposed a direct communication with the claimants; insisting that everything must come to the Board through the department. Our commissioners contend for a direct communication; but have agreed that memorials, &c., *may* be received through that channel, but without yielding the other point. A claim has been handed in on Saturday to Mr. Forsyth under protest against that mode, as being prejudicial to the interests of the claimants. The result is not yet known; it probably produced a Cabinet council. Great dissatisfaction begins to prevail at the long delay, and the attempt to deprive us of what many conceive to be their legal and constitutional rights. Some of us are willing to undergo the trouble of this circuitous route to the Board, if we can be assured of a ready communication from the Board through the same or any other channel. It is but lately that we have been allowed free access to our papers to prepare our memorials. I have all the papers of the claim now in my room, and am preparing a draft of the memorial. All the materials I had prepared, and have made such progress that I expect to be ready to hand it in a few days to my colleagues for their revision. But by a resolution of the Board, and almost the only one adopted, claims are to be presented and docketed in alphabetical order, so that whether ours comes under M. or O, it will be some time before our case is reached, provided others are ready. Mr. Gilpin, the Attorney-General, has a case ready (Duncan's, of New Orleans), which is of a similar nature to ours, and we look to its early passage, being high on the list, as a prelude and precedent to ours. The evidence of this claim is even stronger than that of ours; but as both depend on the same principles, the passage of the one ought to draw after it that of the other. But, Sir, I am in want of money, and take the liberty of asking the favor of you to procure me one hundred dollars ($100) for my immediate necessities. This sum will carry me through till I can raise some on my commissions, which at present would be a difficult matter. The claim presented on Saturday was one of those I had under my charge in Mexico, and the owner, who is here, allows me a commission for my trouble there and assistance here, which will amount to $1500, when it passes, as it must, for it is an indubitable one, being founded on a decree. At present I can raise no money on this document. The money I ask is not from the company, but I calculate on your good offices to obtain it from Mr. Oliver or Mr. Colt; to be reimbursed from my own funds in New Orleans, which are at present unavailable, or from my commissions above-mentioned, when I am able to raise money on them. I have no claim on you or them, but I ask it as a favor, for the repayment of which my commissions on your business will be only collateral security. If Mr. Oliver should be absent, or any difficulty occur, I would thank you to call on Mr. C. F. Mayer, and try to arrange it with him, so that I may   which will carry me through, as my expenses are very moderate, and I owe but little. Your compliance with this request would extremely oblige me, while I remain, with great respect,

Your obedient and humble servant,
ABRAHAM MILLER.

D. M. Perine, Esquire,
Baltimore.

(One or two words torn out with the seal.)

Defendant's Exhibit, J. M. No. 71.

Letter from A. Miller to D. M. Perine, dated 13th January, 1841.

WASHINGTON, 13th January, 1841.

DEAR SIR: I received, in due time, your letter of the 30th ultimo, and am sorry it was not in your power to comply with my request.

The memorial, which is a long one, I handed in, a few days after I wrote, to Mr. Key for his examination, having previously shown to Mr. Mason a part of (so much as I had done). He and I were to have met at Mr. Key's house, to have a conference with him on the subject; but he has not yet called on me to accompany him, although he has been there himself, and acquiesces in the proceedings so far as they have gone. I have myself seen Mr. Key several times. His engagements in the different courts now in session here, have prevented him from giving the subject his full attention; but he is impressed with its importance, not only in a pecuniary point of view, but as an expedition unprecedented in modern times, whether as regards the grandness of the design, or the great achievements resulting from such small means. But he looks at the subject more as a lawyer, than I have perhaps done. Such was his remark, when I read the memorial to him. He is, therefore, still in search of evidence, to bind more strongly the Mexican Government to the payment of the debt. And as our memorial ought *ought* to be as full and complete, on that head, as in every other respect, since it should contain the arguments we have to adduce in support of the claims, he desires me to write to you, to obtain all the information you may be able to procure from Mr. D. A. Smith, or any one else, in Baltimore, respecting the agency, if any, of Dr. Servando Mier in procuring the services of (or enlisting) Mina in the cause of Mexican independence. Such a belief gained ground at one time, and some intimation of the kind exists in some of the papers of the claim. It may even have been so; although the pride of Mina may have prevented him from acknowledging that he was influenced by anything but his own generous feelings.

Dr. Mier, we know, accompanied General Mina; and, I think, we shall be able to prove, that he was an agent of the Revolutionary Congress of Mexico, authorized to procure succors of every kind from foreign nations. For his distinguished services in the revolution, he was rewarded, in 1823, by the Congress of Mexico, with a pension of $3000 per annum. We are in good spirits, and having now no difficulty about bringing the claim fairly before the Board (although in the roundabout way I have mentioned), we have strong hopes of success, if the greatness of the sum should not be a stumbling-block.

"Robinson's Memoirs of the Mexican Revolution" throws much light on the expedition, and I have made use of it, after our documents failed, to continue the narrative up to the time of Mina's death; and I have gone even to the declaration of independence by Iturbide. But this book contains some errors. It says, for instance, that the ship Caledonia, which brought General Mina from England to Baltimore, brought likewise arms and munitions of war, which does not appear from any of the documents, or letters, in our possession. On the contrary, I have said, in the memorial, that the only aid Mina could procure in England, was the use of a ship to bring himself and his retinue to the United States, and that the ship was sent back to the owners in England from Galveston, according to contract. It may be useful to be correctly informed on this subject, although at present I know not what use we may make of the information, if it should even turn out that she brought those articles.

As I have not the pleasure of being acquainted with Mr. D. A. Smith, although his name makes a conspicuous figure in the documents and memorial, you will oblige us by obtaining information on these points from him, and communicating the same to us; or, perhaps, he would be so good as to write to Mr. Key or myself, satisfying our queries in those matters. The first case sent into the Board, which I mentioned to you, is still undecided. But we understand the principle of the claim is admitted; and that they are still discussing the questions of interest (the rate of), and the expenses of agents sent to recover in Mexico. There may be something to be added to our claim on that score (agencies), if the decision in this case should be favorable, and thereby establish the principle. Our account, as now made out, amounts to, with 22 years' interest, \$573,769$^{0}_{3}$.

With great respect, I am, sir,
Your very obedient and humble servant,
ABRAHAM MILLER.

D. M. Perine, Esq., Baltimore.

Defendant's Exhibit, J. M. No. 72.

Letter from A. Miller to D. M. Perine, dated 20th February, 1841.

Washington, 20th February, 1841.

Dear Sir: I was on the point of writing to you when your letter of the 17th came to hand. The delay in answering my letter of the 13th ult. has been no detriment to us. I attributed it to some difficulty in obtaining the information; and if it had been deemed of material importance I should have written you again. But circumstances have occurred which enable us to dispense with the information we then thought necessary. We have sufficient testimony from other sources, touching the points in question; and I have the satisfaction to inform you that we have made valuable discoveries as regards the liability of the Mexican Government for the debts of

Mina. Moreover, Mr. Gilpin, the Attorney-General, whom I mentioned to you as having a claim of a similar nature to lay before the Board, and with whom we are upon good terms, has promised us the use of certain documents in his case to transcribe for ours, which will be highly useful. He has been for two weeks or more so occupied with important suits in the Supreme Court, that he has not been at leisure to attend to his own claim, or to furnish us with the papers he has promised. But when the "Amisted" case, now before the Court, and in which he is engaged, is concluded, which will be early next week, he will devote his attention to both subjects. Mr. Key has conversed repeatedly with him on the subject, as well as myself, and it is probable that we may compare notes as to certain parts of our arguments, and thus mutually assist each other. He has great confidence of success, and now with our recent discoveries I think our claim is equally good. Our memorial has been revised at a joint meeting, and now only requires such additions as the papers from Mr. Gilpin may render necessary. It is in the hands of a translator, who has already translated some of documents; for a resolution of the Board, which has been published in the Globe, requires the memorials and all papers supporting them, to be in both languages. Many of the papers I found with translations, so that the expense will not be great. Whatever it is, we must draw on you for when it is done; for we are too poor and the times too hard to bear this expense ourselves. The Board are now doing some business. They have allowed some cases in full, and some have gone to the umpire for a part or the whole. He has not yet returned from his residence in the Jerseys, but is expected every day.

When he comes he will bring his decision in the first case presented to the Board, which I mentioned to you, and in which I am interested as agent. Business is likely to go on better now, but the translations, which in some cases are very numerous, give much trouble.

We have for ourselves an excellent translator just arrived in the city. Nothing is lost by the delay in presenting your claim; on the contrary, we are gaining strength continually and becoming better acquainted with their modes of doing business, &c. Rest assured it shall receive every attention.

Most respectfully, your obedient servant,
ABRAHAM MILLER.

D. M. Perine, Esq.

Defendant's Exhibit, J. M. No. 73.

Letter from J. Mason, Jr., and A. Miller, to D. M. Perine, dated 29th April, 1841.

Washington, 29th April, 1841.

Dear Sir: Our claim is before the Board since Monday last, and we are happy to inform you under good auspices. Mr. Gilpin, the late Attorney-General, has recovered his large claim of the same nature as ours. The Mexicans were willing to allow him nearly all he asked for, with the exception of interest, which was made to from the time the claim was brought to the notice of the Government. These deductions he submitted to without appealing to the umpire, and withal gets 100 per cent. on the money actually expended. This decision has established some important principles for our claim; and if applied with equal justice to us, we have a right to expect the recovery of the greater part of it. It has as yet only undergone some informal discussion; but it will now be pushed with vigor, and the sooner we get it through the better. But the subject of ownership is likely to cause some difficulty, when the award shall be ready to be pronounced; since we have only asked in the name of the estate of Robert Oliver and others, owners of the claim, but without designating the portions. We have stated the assignment by D. A. Smith of his interest, and represented the claim to be the one known by the name of "Robert Oliver's claim." All this is well enough for the present, and the discussions can go on. But in a conversation we had yesterday with Judge Rowan (Governor Marcy is absent, but looked for daily), he said the award must be in the name of some person or persons having full power or authority to receive the avails of it. For a mere power of attorney for presenting the claim was not sufficient, neither does the power from the Company to Robert Oliver, which he examined, avail now, since, not being in the nature of a deed of trust, it died with him. He then suggested two modes, one of which was the following, that the surviving stockholders of the Company, styled the "Mexican Company of Baltimore," convey in trust to A. B. C. the claim of the Company on the Mexican Government, and request that the Board of Commissioners shall make a decree to such trustee or trustees for the use and benefit of them the surviving stockholders, and of the legal representatives or assignees of the deceased members, according to their respective interests in the stock, and let the executor or administrator of Robert Oliver unite with the surviving executors in the deed. The other mode was such as was brought to your notice some time ago by A. Miller. It is, to ascertain the names of all the present owners of the stock of the Company, and insert the same in the award, with a calculation of their respective sums appertaining to each. This mode differs from the one just alluded, only in its greater extension and minuteness, since the Judge seemed to contemplate going below the ninths, and inserting the names of all interested. The first mode suggested by him seemed to meet his ideas of the manner of disposing of a claim having so many owners, and the ownership of which may have become complicated after the lapse of so many years. In this way he seemed to think more complete justice could be dispensed to all persons concerned, and avoid the trouble of subdivision and calculations which the latter mode might involve.

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Besides the opinion of the Judge, which it is true was given with caution, and without to have formed a deliberate one, there are reasons which we have not time to enumerate in favor of the former mode, or rather against the latter as presenting superior difficulties. For this reason, as it is a measure indispensable and of importance to all concerned, and as the choice between the two modes may require on your part advisement and consideration, we recommend it to you to come down here immediately, and inform yourself of the state of things. You will then have an opportunity to consult the Judge (who by that time will have made himself better accquainted with the case) amid your friends here. There is no time to be lost, as the Judge thinks the case will be decided in 8 or 9 days.

We congratulate you on our bright prospects, and shall look out for you to-morrow. If you do not meet with A. M., at the depôt, please to inquire for him at Bivan's Hotel; if he is not there, you will find a note addressed to you, at the bar. You need not be detained here longer than one day.

With great respect, we remain, Sir,
Your obedient servants,
J. MASON, Jr.,
ABRAHAM MILLER.

P. S. Gov. Marcy has returned. If it should be impossible for you to come down, please to drop a line immediately, addressed to Abraham Miller. Mr. Key promised to call on you on his way to and give you the news. He is not expected back before the 1st June. Our commissioners are very obliging and accommodating, and enjoy the confidence of the claimants.

We inclose a copy of our memorial, in English and Spanish.

J. MASON, Jr.

D. M. Perine, Esq.

Defendant's Exhibit, J. M. No. 74.

Letter from A. Miller to D. M. Perine, dated 3d May, 1841.

Washington, 3d May, 1841.

Dear Sir: We are in possession of your esteemed favor of the 1st instant, and although deprived of the pleasure of seeing you, we are glad to hear that you are occupied with the subject about which we wrote. We received at the same time your letter of the 30th ulto., relative to the 100 per cent. The certificate of L. Goodwin comes in very good time, and I am glad Mr. Key wrote to you about it. It will be useful as furnishing arguments for our commissioners in support of the charge in case it should be strongly contested. But the Judge has suggested a difficulty in regard to his testimony, which it would be desirable to remove if possible, more as it respects the Mexican commissioners in case it should be started, than our own.

Mr. Goodwin was a member of the company, and besides appears on the ledger to be entitled, or was to a commission of 5 per cent. for his services as Secretary. He is therefore incompetent as a witness, according to the strict rules of evidence; unless it should be made to appear that he is no longer interested, but has transferred his interest without revival to himself. You will please to ascertain the fact from himself. If he has transferred his interest, then we can get him to make a supplemental affidavit to the one he gave to Mr. Key, swearing to that fact according to a form we can send him. If he has not transferred his interest in both the company and agency, which is most probable, then the affidavit must remain as it is, and go for what it is worth. It would even then avail with our commissioners to a certain extent, and possibly might not be objected to by the Mexicans. But as we ought to be prepared on all points, and omit nothing that may strengthen our proof, we request you to obtain this information from Mr. Goodwin as soon as possible. Judge Rowan thinks it would be well to obtain from some of the old merchants of 1816, who are knowing to the expedition and not interested, their testimony respecting the reasonableness of the charge of 100 per cent. for compensation to the company, for their advances, under the circumstances of the case, and another certificate that the charge of 100 per cent., or other large stipulated profits, were exacted in similar cases on advances made in Baltimore to the South American patriots, Buenos Ayres, Chili, &c., as alleged by Mr. Goodwin, likewise that insurance was not made, and could not be made on the expedition, if such was the fact, by reason of the greatness of the hazard. These three certificates would have an important bearing on the charge; more especially if the case should have to go to the umpire. Wherefore I advise you to engage Mr. Goodwin or some one to see if such testimony can be procured, and then have the certificates prepared in due form. This is a very large and important item in the account; and would well pay for any trouble you may take; for we ought to be prepared at all points. These certificates, if they can be procured, ought to be sent on as soon as possible, to be used in the discussions; likewise the information respecting the interest, if any, of Mr. Goodwin in the result.

With great respect, we are, respectfully,

Your obedient,

ABRAHAM MILLER,

(For himself, as well as John Mason, Jun.)

D. M. Perine, Esq.

Defendant's Exhibit, J. M. No. 75.

Letter from J. Mason, Jr., and A. Miller, to D. M. Perine, dated 5th May, 1841.

Washington, 5th May, 1841.

Dear Sir: We have to acknowledge the receipt of your favor of yesterday, and are glad to know, that the difficulty in regard to Mr. Goodwin's testimony can be received, so as to give it its full legal validity. As he assigned to Mr. Oliver all his interest in the claim, and, as it would appear from your letter, since you seem to quote the words of the instrument, that his assignment was at hand, we thought that the best and shortest mode would be to send us a copy of that paper made and certified by a notary, or an extract of so much of it as will prove the fact, stating day and date of the assignment to Mr. Oliver, and before whom or what notary it was passed. This will obviate the necessity of any supplemental affidavit to the one given to Mr. Key, and give perhaps sufficient validity to what he states to you in his letter of the 29th ultimo. You will, of course, understand, that these proceedings are more with a view to obviate any objections that may be raised by the Mexican Commissioners to his testimony, on the score of competency, than from any doubt entertained by our Commissioners as to the truth of Mr. Goodwin's statements. We would advise, moreover, that you proceed to obtain, if practicable, what was recommended in our letter of the 3d instant, viz., a certificate affidavit from some of the old merchants of 1816, who were knowing to the expedition and disinterested, respecting the reasonableness of the charge of 100 per cent., under the circumstances of the case; and, likewise, the other certificate, if to be procured, as to any large advance in the nature of profit stipulated for in transactions between merchants of your city and any of the South American Republics. The certificate respecting the difficulty of obtaining insurance on the expedition, need not be obtained; this allegation may rest on the testimony of Mr. Goodwin. We deem it unnecessary to be taken. They can be drawn up to suit the circumstances of the case; and, if Mr. Goodwin would undertake it, he would be a proper person to put them in proper form. As this a subject of great importance, since the charges, although maintained by our Commissioners as part of the contract, may be contested by the Mexicans, we ought to be fortified as much as possible with proof to support and corroborate it. We hope, therefore, you will spare no pains to obtain, if possible, the certificates, with affidavits, if to be had, or any other testimony which may have a bearing on the subject. The certificate of Lyde Goodwin, to the facts stated in his letter to you of the 29th ultimo, we will put into proper form for an affidavit, if we should find it necessary, and send it to you; we wish you not to mention the name of Judge Rowan in any of your communications, as he does not wish it to be thought that he gives us any advice or recommendation.

Please to direct your letters to Abraham Miller, without blank cover.

Respectfully, your obedient servants,

J. MASON, Jr.,
ABRAHAM MILLER.

D. M. Perine, Esqr.

P. S. It might not be amiss to add to the copy of the assignment, or extract, a short affidavit of Lyde Goodwin, to the effect, that, having on such a day assigned to Robert Oliver all his right, title, and interest, in a claim he had on the Government of Mexico, as a member of the Mexican Company of Baltimore, without recourse to himself, he has not at this time any interest in the result of said claim. The form of the first certificate might be as follows:

"We, the subscribers, residents of the city of Baltimore, and having been residents of the same in 1816, when the expedition under the command of General Xavier Mina was fitted out for the coast of Mexico; and having been conversant with the subject as well as with the particular object of the expedition, do hereby certify, that, in our opinion, the charge of 100 per cent. which was spoken of as the mercantile profit stipulated for by the Mexican Company of Baltimore, in some of their contracts with Mina, was low and moderate under the circumstances of the case, and, by no means adequate to the risk of a total loss which was incurred in the transaction, inasmuch as there was no security whatever that their capital would ever be returned, &c. &c. The second affidavit might be simply a narrative of any mercantile transaction, for supplying any one of the South American Republics with munitions of war, &c., in which 100 per cent. or any other large advance on the first cost, was stipulated for on the contract, and afterwards paid. Mr. Mason's father is able to furnish a case of this kind, and we would be glad to have a similar case from Baltimore.

A. M.

Defendant's Exhibit, J. M. No. 76.

Letter from J. Mason, Jr., to D. M. Perine, dated 12th May, 1841.

WASHINGTON, May 12th, 1841.

DEAR SIR: I received yesterday, yours, covering a letter from Smith, Dorsey & Co., of New Orleans, to D. A. Smith; this cannot be of use, and is now returned. The depositions of Mr. Mayer and of Mr. Schwartz were also received; these are important, and I at once translated them, and put them in it. The Mexicans object to the erasures under Mina's signature in the book, and to the absence of the original invoices, &c., given to Capt. Boyle, and which Lyde Goodwin, in his disposition, says, are

They should be found, if possible. Upon these two points, I apprehend, the case will go to the umpire. I do not consider either objection as valid, though I have but little confidence in the ability of the umpire to form a sound opinion, and would rather yield one-sixth part of the claim, than send it up for his decision.

When you write again, please address your letters to Georgetown, as that Post Office is much nearer to me.

Yours, very truly,
J. MASON, Jr.

D. M. Perine, Esqr.

Defendant's Exhibit, J. M. No. 77.

Letter from A. Miller to D. M. Perine, dated 15th May, 1841.

Washington, 15th May, 1841.

Dear Sir: I have seen the papers sent to Mr. Mason; some of which were letters received from Mr. Goodwin, according to his promise to me. They do not appear to be important. We were in hopes to have met among the letters with some from Dorsey & McLanahan on the subject of the loss of the original accounts and invoices. Their account of such loss would have been useful. As it is possible, these papers may be still in existence in New Orleans, and that due diligence had not been used to recover them on account of their importance being underrated by reason of the duplicates being in their stead, I have written to Mr. Wilhelmus Bozert, of New Orleans, of the former house of McLanahan & Bozert, with which I was well acquainted. This house succeeded to Dorsey & McLanahan; and I have requested Mr. Bozert to examine among the papers of the latter house, which probably devolved on the former, when the new copartnership was formed, after the death or retirement of Mr. Dorsey, and, if they should be found there, to forward them to me. As the production of these papers would be of immense importance, I wish you to consult again with Mr. Goodwin, and see if he cannot find some correspondence of himself or some one of the company with Dorsey & McLanahan, on the subject of the loss. This would corroborate the account of the loss, and show that it was the subject of investigation at the time. Let Mr. Smith be likewise consulted, and let him consult and rummage his old books and papers of that period, to show that the loss occurred; or the papers themselves might possibly have been returned, and have remained unconsciously in the possession of Smith, or some other member of the company. It would be well likewise to write to Mr. McLanahan, if alive. He was living, a few years ago, as I understood, on a farm somewhere in Maryland, I think. He married the daughter of Mr. Tenant, and could at least tell what became of the books and papers of the house of Dorsey & McLanahan. We ought to spare no pains to find them, if possible.

The case, as Mr. Mason informed you, will go to the umpire, and our fate, for what we know, may depend on their production. I have much to say on this subject, which I reserve for a future letter.

Very respectfully, yours,
ABRAHAM MILLER.

D. M. Perine, Esqr.

Defendant's Exhibit, J. M. No. 78.

Letter from J. Mason, Jr., to D. M. Perine, dated 4th June, 1841.

WASHINGTON, 4th June, 1841.

MY DEAR SIR: I have great pleasure in telling you that the umpire has decided our great case in our favor. I have not yet been able to see his decision, but understand from the Commissioners, that he has awarded all asked, except $600 out of the charge of $10,000, for loss on the sale of 250 muskets, and has fixed the interest from 1817 at 6 per cent. on D. A. Smith's claim, and at 5 per cent. on that of the Baltimore Mexican Company. I will write more in detail soon. Very truly,

J. MASON, JR.

D. M. PERINE, Esqr.,
Baltimore.

Defendant's Exhibit, No. 79.

Letter from A. Miller and J. Mason, Jr., to D. M. Perine, dated 6th June, 1841.

WASHINGTON, 6th June, 1841.

Dear Sir: We have to acknowledge the receipt of your esteemed favor of the 4th, and to congratulate you on the favorable decision of the umpire. Still there is something wanting to make it available to us, which Mr. Key has explained to you. However, the great principles are settled in our favor, which entitles us to recover to the extent of our expectations. Some days will probably elapse before the business is concluded, and we will take care, in conjunction with Mr. Key, that the agreement entered into between Messrs. White and Thomas, and yourself and John Glenn be observed in extending the award. For the present, and until the distribution of the proceeds in the shape of scrip or government securities takes place, we recommend that all of us use our victory with moderation. Nothing like exultation should escape us; nor ought any paragraph on the subject to appear in the public papers. We have our reasons for this, which it is unnecessary to detail. Your request in regard to a copy of the account will be attended to.

We have to request that you would transmit us $55, to pay for printing the memorial ($30) and for translating ($25). They are both yet unpaid, and the latter account has been presented. There will be yet another bill for translating, which has not yet come in, as the person is sick. Your check on any of the Baltimore banks for this sum could be cashed here.

With great respect, we are, Sir,
Your obedient servants,
ABRAHAM MILLER,
J. MASON, JR.

D. M. PERINE, Esq.

Defendant's Exhibit, J. M. No. 80.

Letter from A. Miller and J. Mason, Jr., to D. M. Perine, dated 14th June, 1841.

WASHINGTON, 14th June, 1841.

D. M. PERINE, Esq.

Dear Sir: Inclosed we send you a copy of the account which accompanied our memorial, and a calculation of interest as furnished our commissioners, in conformity with the decision of the umpire.

The indorsement on the interest account shows the apportionment of the award between the two sets of trustees, as extended in the current register of the Board, on the 9th June, 1841. We had access to the award only on Saturday the 12th, and then could not have the book to make a copy. As soon as one can be procured it shall be sent to you. We send you likewise two receipted accounts for printing the memorial and for translations.

Very respectfully, we are your obed't servants,

ABRAHAM MILLER,
J. MASON, JR.

Defendant's Exhibit, J. M. No. 81.

Letter from J. Mason, Jr., to D. M. Perine, dated 17th June, 1841.

WASHINGTON, 17th June, 1841.

Dear Sir: We wrote you on the 14th instant, covering a copy of the account we presented to the Board with our memorial, a calculation of interest, and statement of the amount of the award as rendered to Thomas and White trustees and to Perine and Glenn trustees. And also receipts of Blair and Rives, and of Foster for $55 for the objects expressed in them. All those you will doubtless have received, and I hope they are satisfactory, and show at least that we have not neglected the interests committed to our care. I have endeavored to procure a copy of the award for you, but was answered that certified copies of all the awards rendered so far were in process of being made, to be sent to the Department of State, and that the commissioners preferred that claimants should get copies from there. I will send you a copy as soon as I can. Another important point remains to be settled, which I presume is to be done through the Secretary of State, when he shall have possession of the awards and be ready to send them to Mexico for payment. It seems to me that not only the interests of the claimants but of Mexico too will be served, by issuing the treasury notes in small sums of $1000, down to 50, or even less, somewhat in the form of bank-notes, expressing on their face the objects of the issues, &c. &c. (the detail could be easily arranged), and to be printed in English and Spanish. I will take an opportunity to converse with Mr. Webster on this subject if you approve the suggestion; and I will sound the Mexicans about it. As to taking a copy of the deed of trust to Mr. Glenn and yourself, that paper being in possession of the Board, I apprehend the same difficulty exists as in the having a copy of the award, but you can surely have a copy from the notary. Mr. Thomas has a copy of the agreement between the trustees. The one left with me has been mislaid.

Very truly yours,
J. MASON, Jr.

D. M. Perine, Esq., Baltimore.

Defendant's Exhibit, J. M. No. 82.

Letter from A. Miller to D. M. Perine, dated 18th June, 1841.

Washington, 18th June, 1841.

Dear Sir: Your letter of the 14th came to hand in due time, and on the same day Mr. Mason and myself wrote you a joint letter, inclosing a copy of the account which accompanied our memorial to the Board, vouchers to cover the $55 remitted us on the 7th, and a copy of the interest account as made out by me at the request of Judge Rowan, in conformity with the decision of the umpire. As some delay took place, the nature of which was explained to you by Mr. Key, the award was not entered upon the 5th, to which time the interest was calculated, but finally agreed upon on the 9th. In consequence of this delay the calculation of interest became erroneous, and they themselves added three days' interest to each sum to bring it up to the time when the award was agreed upon. It was then drawn up, but not recorded by the clerk immediately, but postponed until the 11th, although it appears as recorded on the 9th, no other business in the book having intervened. On the 12th it was read by Mr. Mason and myself at different times, and the sums taken off, but without the knowledge of each other, but neither of us were allowed to copy it. The indorsement on the interest account sent you gives the result, and all the information we can at present obtain. Mr. Mason applied on Tuesday to have a copy of the award, but they declined giving it, neither have they as yet done so in any case. But they are busy making out a copy of all the awards for the State Department; when they go up there we can have access to them, to have ours copied, or perhaps having then more leisure in the . . . commissioners' office, it may then be done there. For similar reasons, Mr. Mason desires me to say to you, that for the present he declines to ask them for a copy of the deed of trust to yourself and Mr. Glenn on the agreement. If they should be deemed immediately necessary, we might perhaps prevail on our commissioners to deviate from what appears to be an established rule, by granting us copies of these papers. The business is, however, definitely settled, and much to our satisfaction.

With great respect, I am, Sir,
Your obedient servant,
ABRAHAM MILLER.

D. M. Perine, Esq.

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Defendant's Exhibit, J. M. No. 83.

Letter from J. Mason, Jr., to D. M. Perine, dated 23d June, 1841.

WASHINGTON, 23d June, 1841.

Dear Sir: I have received your letter of the 19th inst. As you see no objection to my suggestion that Mexico should be required to issue her treasury notes in small sums, I will press the point and do all I can to carry it.

You ask me to let you know how and when we are to expect the money? That is a question I take it to be answered by the terms of the treaty. This Government is bound by every consideration of honor, self-respect, and standing in the great family of nations, to insist upon a compliance on the part of Mexico with the stipulations of this treaty. It may become necessary to send a special minister for the purpose of exacting payment, and if so, I should like to go. I know well all the principal men in that country, and they know me. I undertake to say I would have the treaty fulfilled to the last iota, or a war; and I would give them but short grace. There is money enough in the country, and their Government will have to produce it *nolens volens*. The sums awarded bear an interest of eight per centum by the treaty, from the date of the award in each case. I cannot, for the reasons heretofore given, furnish you now with a copy of the award, or of the deed to Mr. Glenn and yourself.

Very truly yours,

J. MASON, JR.

Please direct to me, Georgetown.

D. M. PERINE, Esq., Baltimore.

P.S.—I should be glad to take in hand any business you may have here, as the manager of Mr. Oliver's estate, or in any other capacity. Mr. Oliver, I know, possessed some real property in this city.

Defendant's Exhibit, J. M. No. 84.

Letter from Abraham Miller to D. M. Perine, dated 17th July, 1841.

GEORGETOWN, 17th July, 1841.

Dear Sir: Copies of the awards, ours included, have been sent by the Board of Commissioners to Mr. Webster, to be by him transmitted to Mr. Ewing. I have just been informed by the Clerk that they will probably have finished copying them to day in the State Department, so as to send them immediately to the treasury. Nothing is known certainly as to the course that will then be pursued.

But Mr. Dickens, who has been principally instructed in getting them sent up, informs me that Mr. Young, of the treasury, is of opinion that certificates will be issued by Mr. Ewing to the owners or trustees in sums to suit their convenience, to the amount of their respective awards. This, he says, was done under former conventions of indemnity, and will, in all probability, be done in this. They will then, it is supposed, require payment from the Mexican Government for the amount of the several awards, agreeably to the convention, and in default thereof, take their treasury order, corresponding in denomination and amount with the certificates issued here. These Mexican certificates, or scrip, will then be offered in exchange for the treasury certificates of Mr. Ewing. But a great effort, and I think an effectual one, will be made with the next Congress, to have the Government assume the whole of the debt, and pay it at once, and look to the Mexican Government for repayment. Many of the members of Congress have been spoken to already, and have expressed their willingness for such a measure, which it is highly probable will pass from many considerations; particularly as the Government could borrow *borrow* money at 5 per cent. to discharge the debt, and would receive 8 per cent. As Mr. Ewing, in the case of your claim, will no doubt require the names of the persons entitled to the proceeds, before giving out the certificates, in order to deduct any sum or sums that might be due to the United States, agreeably to the provision of the law of Congress, it might be well for you to think of preparing yourselves to afford him the information when required. If no one should appear to be indebted to the Government, transferable certificates would probably be issued to you and the others trustees for the amount of your awards respectively. Your letter of the 9th has been received, and I expect in a day or two to send you a copy of the agreement. Please to inform Mr. Glenn that his letter of the 9th has been received, addressed to Mr. Mason and myself, that we conform to it, and will have the claim ready in a short time.

Very respectfully, Sir, your obedient servant,
ABRAHAM MILLER.

D. M. PERINE, Esqr.

Defendant's Exhibit, J. M. No. 85.

Letter from A. Miller to D. M. Perine, dated 21st July, 1841.

WASHINGTON, say GEORGETOWN, 21st July, 1841.

DEAR SIR: I send you herewith some calculations, which will be both curious and useful, when you come to get possession of the ledger. The principal calculations were made when the books and papers were in my possession; with the addition of some, since the award was made. As the papers of each claim must by the convention be deposited in the State Department, I have suggested to Mr. Key, that, as he is going to Baltimore, he ought to take with him the ledger, if he can borrow it from the Board, in order that you may have it copied, so that either the copy or original can remain in the State Department, and you could have the other. The ledger is not very large, and the copying of it would not be a great task; but I have not time to do it now. It, or a copy, will be wanted by you, when you come to the discharge of your duties.

Mr. Key takes the ledger with him; and would take a copy of the agreement, but it cannot be found among the papers, being mislaid, as likewise the deed of trust to you and Mr. Glenn. But of the latter paper, you have, I believe, a copy.

Respectfully yours,
ABRAHAM MILLER.

D. M. Perine, Esqr., Baltimore.

N. B.—A copy of the agreement was sent by Mr. Mason to Thomas & White, and those gentlemen can furnish you with a copy, until the one here is found.

A. M.

Defendant's Exhibit, J. M. No. 86.

Letter from J. Mason, Jr., to D. M. Perine,
dated 29th July, 1841.

Washington, 29th July, 1841.

Dear Sir: Your letter of the 27th, with one for Mr.   , is received; the last shall be sent through the Department of State. We have just got a bill through the Senate authorizing the President to cause the awards, made under the Mexican treaty, to be presented at once for payment, and authorizing the Secretary of the Treasury to issue certificates, in convenient amounts, to the parties authorized to receive the sums awarded. Thank you for your compliment as to my going minister to Mexico. General Waddy Thompson, of S. C., has been selected, and is to demand payment of the awards. I shall advise, that he be sent in a frigate; and if any difficulty be made, that the whole West India squadron rendezvous at Vera Cruz forthwith.

Very truly yours,
J. MASON, Jr.

David M. Perine, Esqr.,
Baltimore.

Defendant's Exhibit, J. M. No. 87.

Letter from J. Mason, Jr., to D. M. Perine,
dated 13th August, 1841.

Washington, 13th August, 1841.

My dear Sir: The deed of trust has at last been found in the possession of the Mexican Commissioners, and a copy has been made at the request of Mr. Key, which he will, no doubt, forward to you at once. We have nothing new here. Judge Rowan, I am sorry to say, has resigned, and a new commissioner is to be appointed. Who he may be, we know not. Judge Brackenridge is spoken of, and Poindexter! We are now in the midst of a scuffle before the House of Representatives; our object is to have the awards, already made, sent at once to Mexico for payment.

Yours, very truly,
J. MASON, Jr.

D. M. Perine, Esqr.

Defendant's Exhibit, J. M. No. 88.

Letter from A. Miller to D. M. Perine, dated 16th August, 1841.

Washington, 16th August, 1841.

Dear Sir: I have now the pleasure to inclose you the copy of the deed of trust. I wrote to you that it was mislaid, and Mr. Key has probably informed you of the pretext resorted to by the secretary to excuse his carelessness by pretending that he had given it (with the other paper, the agreement) to me. Knowing that I had never received it (nor even asked for it previously to the time when, as I wrote you, the copy could not be had, viz., after the awards were all copied and sent up to the State Department), I thought it was somewhere among the lumber of the office, as no one could have a motive for purloining it.

In fact I early suggested to the clerk that the Mexican commissioners might have taken them to make a copy for themselves, and if my suggestion had been listened to, there would have been but a few days' delay. Finally, the papers have both been found with them; they having taken them to translate, and having placed them with their own papers in the case, without the least sinister motive, and unconscious that having them with their papers, which would have to be returned to the Board at the close of the convention, would occasion any difficulty. The copies have been made out some days, and I thought Mr. Key would have sent them on to you, as he had the first notice from the clerk, and requested copies to be made. But he requested me to forward them to you. I send you likewise a copy of a memorial, House asking that the law of 1840, for carrying the convention into effect, be amended, so as to authorize the Government to make a demand of the awards that have been made, and of the others as fast as they arise, instead of waiting until the end of the convention, as contemplated in that law. A bill to that effect passed the Senate unanimously, and been referred in the House. But the committee have reported unfavorably, and as the chairman, Mr. Cushing (who is the same that reported or drafted the former law), has had his pride wounded by some remarks in the Senate, he is

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violently opposed to us, as well as one or two others; the majority of the committee being favorable to us, notwithstanding the adverse report which was made when only five members were present. Mr. Key and others interested are making every exertion to have it called up soon (to-day if possible), and to force it through; as we deem it of much importance not only as respects the early action of our Government, but more particularly the subdivision of the awards into small sums; a thing all-important to us all, but which is not provided for in the convention. The Secretary of the Treasury is willing to do this now in issuing the certificates, the form of which is ready and in the hands of the printer, awaiting the passage of the law.

We are still ignorant who is to be the new commissioner to take the place of Judge Rowan, and only hope he may be as good a man. Mr. Mason wrote some days ago to Mr. Nelson respecting the claim for the schooner Highflier, but as yet has not received any answer. Among other things he requested to be informed of the precise interest which the original shippers, who (or their representatives) appear to be the present owners, had in the cargo. But this is not so important as to know the precise interest at this time of the present owners; for it will be necessary to insert the names and interest of each and all in the memorial, in order that the award, if any, be in their names, and for the specific sums to which they are respectively entitled. Have the goodness to communicate this to Mr. Glenn, and as Mr. Nelson is probably absent, he will please to give us the information desired. The memorial in the case is ready, but we must insert the names of the owners in the conclusion of it. I have sent copies of both the deed and the agreement since Mr. Key had ordered them, although I am aware that it was the former only you asked for. There is no certificate to these copies; but I have assisted the clerk in comparing them with the originals, and can vouch for their correctness. You will perceive that in the body of the deed the names of J. White and Philip E. Thomas are retained, although they are not among the signatures to the instrument. They ought to have been stricken out, as they were in the certificate of the where they appear in the original certificate with the pen ran through them, since those gentlemen did not sign. This ought to have been done in the deed, but as it was not, the names appear in the copy. I send you a copy of the form prepared for the treasury certificates, and a copy of our memorial to Congress. I am sorry to say this, but have little hope of succeeding with the House, even should they deign to take up the subject, after the message which has just come out, for Mr. Cushing is still violently opposed to us, and being chairman of the committee (of Foreign Relations), thus reported against the Senate's bill, it is an up-hill business. But we have some strong friends there, Mr. Wise, Mr. Kennedy, and others, who will support us strongly. We have, moreover, the support of Mr. Webster and Mr. Ewing, as you will see, and I am told of Mr. Tyler and the Attorney-

General, so that we ought to succeed. I send you documents belonging to Robert Oliver's claim, but which was not sent into the Board, or made any use of. It may be useful to you, although you will find a copy *a copy* of the same in the ledger, and if I mistake not Mr. Key had previously had a transcript made of it and sent to you. It contains the instructions to Capt. Boyle, and stipulates the commission to which he would have been entitled if he had recovered from Mina. But when he was superseded in the agency by Dorsey and McLanahan, the same commission, 5 per cent., is promised to them; as you will perceive by the letter of instructions to him, to be found in the ledger. Please to present my compliments to Mr. Glenn, while I remain, with great respect, Sir,

Your very obedient servant,
ABRAHAM MILLER.

D. M. PERINE, Esq.

Defendant's Exhibit, J. M. No. 89.

Letter from J. Mason, Jr., and A. Miller to Perine & Glenn and White & Thomas, dated 4th September, 1841.

WASHINGTON, 4th September, 1841.

Gentlemen: By an act of Congress, published in the National Intelligencer, of this morning, the Secretary of the Treasury is authorized to issue certificates at once to the persons entitled to receive the sums awarded under the Mexican Treaty. You will oblige us very much if you will send us, at your earliest convenience, a power to receive certificates in our own names, for the amount of our commissions, say five per cent. on the award we obtained for you in Mr. Oliver's case.

Very respectfully, your obedient servants,
J. MASON, JR.,
ABRAHAM MILLER.

To e ssrs. PERINE & GLENN,
and WHITE & THOMAS,
Trustees, &c.,
Baltimore.

Defendant's Exhibit, J. M. No. 90.

Letter from J. Mason, Jr., to D. M. Perine, dated 6th September, 1841.

WASHINGTON, 6th September, 1841.

My dear Sir: I wrote you two days ago, requesting you and the other trustees in the case to send us a power of to receive a certificate in our names from the Secretary of the Treasury for the amount of our commissions on Mr. Oliver's claim. I have now to request that the power should state that we are to receive five per cent. as our compensation for service rendered, without prejudice or deduction on account of any sums that may be due to the treasury of the United States, by any of the parties interested in the claims. Your attention to this matter will much oblige your obedient servant,

J. MASON, Jr.

D. M. Perine, Esq.

Defendant's Exhibit, J. M. No. 91.

Letter from A. Miller to D. M. Perine, dated 29th September, 1841.

Washington, 29th September, 1841.

Dear Sir: Mr. Key having represented to us that it would be necessary to respond to an amicable suit in a court of Chancery in Baltimore, in which Philip E. Thomas and John White are the complainants, for the purpose of having our commissions in Robert Oliver's case set apart for us, we have signed the inclosed paper drawn up by Mr. Key, which we intend for an answer in the above-mentioned case. As in your letter of the inst. to J. Mason, Jr., informing us that certain proceedings would be instituted in chancery by Mr. Latrobe, you did not inform us that any action on our part would be necessary to procure the decree of the Court for our commissions, we presume something has occurred to render this step necessary.

However, this may be, we have requested Mr. Key to hand you and Mr. Glenn this paper to be used for us with the Court, if it should be thought expedient. And we depend on the goodness and sense of justice of you and Mr. Glenn to protect our interests, and to advise us when necessary as to the proper steps to be taken to secure our rights.

With great respect, I am, Sir,
Your obedient servant,
ABRAHAM MILLER,
For himself and
J. MASON, Jr.

D. M. Perine, Esq.

Defendant's Exhibit, J. M. No. 92.

Letter from A. Miller to D. M. Perine, dated 17th October, 1841.

Georgetown, 17th October, 1841.

Dear Sir: Attached to this you have the amount of the revenue of the Mexican Government for one year, which I have obtained after some trouble, as the gentleman to whom Mr. Key spoke on the subject, and who made inquiry of the department, was informed

General, so that we ought to succeed. I send you documents belonging to Robert Oliver's claim, but which was not sent into the Board, or made any use of. It may be useful to you, although you will find a copy *a copy* of the same in the ledger, and if I mistake not Mr. Key had previously had a transcript made of it and sent to you. It contains the instructions to Capt. Boyle, and stipulates the commission to which he would have been entitled if he had recovered from Mina. But when he was superseded in the agency by Dorsey and McLanahan, the same commission, 5 per cent., is promised to them; as you will perceive by the letter of instructions to him, to be found in the ledger. Please to present my compliments to Mr. Glenn, while I remain, with great respect, Sir,

Your very obedient servant,
ABRAHAM MILLER.

D. M. PERINE, Esq.

Defendant's Exhibit, J. M. No. 89.

Letter from J. Mason, Jr., and A. Miller to Perine & Glenn and White & Thomas, dated 4th September, 1841.

WASHINGTON, 4th September, 1841.

Gentlemen: By an act of Congress, published in the National Intelligencer, of this morning, the Secretary of the Treasury is authorized to issue certificates at once to the persons entitled to receive the sums awarded under the Mexican Treaty. You will oblige us very much if you will send us, at your earliest convenience, a power to receive certificates in our own names, for the amount of our commissions, say five per cent. on the award we obtained for you in Mr. Oliver's case.

Very respectfully, your obedient servants,
J. MASON, JR.,
ABRAHAM MILLER.

To e ssrs. PERINE & GLENN,
and WHITE & THOMAS,
Trustees, &c.,
Baltimore.

Defendant's Exhibit, J. M. No. 90.

Letter from J. Mason, Jr., to D. M. Perine, dated 6th September, 1841.

WASHINGTON, 6th September, 1841.

My dear Sir: I wrote you two days ago, requesting you and the other trustees in the case to send us a power of to receive a certificate in our names from the Secretary of the Treasury for the amount of our commissions on Mr. Oliver's claim. I have now to request that the power should state that we are to receive five per cent. as our compensation for service rendered, without prejudice or deduction on account of any sums that may be due to the treasury of the United States, by any of the parties interested in the claims. Your attention to this matter will much oblige your obedient servant,

J. MASON, Jr.

D. M. Perine, Esq.

Defendant's Exhibit, J. M. No. 91.

Letter from A. Miller to D. M. Perine, dated 29th September, 1841.

Washington, 29th September, 1841.

Dear Sir: Mr. Key having represented to us that it would be necessary to respond to an amicable suit in a court of Chancery in Baltimore, in which Philip E. Thomas and John White are the complainants, for the purpose of having our commissions in Robert Oliver's case set apart for us, we have signed the inclosed paper drawn up by Mr. Key, which we intend for an answer in the above-mentioned case. As in your letter of the inst. to J. Mason, Jr., informing us that certain proceedings would be instituted in chancery by Mr. Latrobe, you did not inform us that any action on our part would be necessary to procure the decree of the Court for our commissions, we presume something has occurred to render this step necessary.

However, this may be, we have requested Mr. Key to hand you and Mr. Glenn this paper to be used for us with the Court, if it should be thought expedient. And we depend on the goodness and sense of justice of you and Mr. Glenn to protect our interests, and to advise us when necessary as to the proper steps to be taken to secure our rights.

With great respect, I am, Sir,
Your obedient servant,
ABRAHAM MILLER,
For himself and
J. MASON, Jr.

D. M. Perine, Esq.

Defendant's Exhibit, J. M. No. 92.

Letter from A. Miller to D. M. Perine, dated 17th October, 1841.

Georgetown, 17th October, 1841.

Dear Sir: Attached to this you have the amount of the revenue of the Mexican Government for one year, which I have obtained after some trouble, as the gentleman to whom Mr. Key spoke on the subject, and who made inquiry of the department, was informed that no such document could be found. After some search we have obtained it; and you will perceive that it gives only the gross amount of duties and imposts which ought to be received according to the importations, exportations, &c., as ascertained at the Custom House and public offices of the country. It is, therefore, liable to deductions for smuggling and other defalcations, expenses of collection, &c., if the object be, as I presume it is, to know what amount actually comes into the treasury. These deductions might be estimated I suppose at 20 to 25 per cent. on the whole amount. In order to form a more correct opinion of this recommend to you to call on Mr. Parrott, who boards at Mrs. Griffith's, in the house Monument Square, and consult him on the subject. He will recollect this letter, the body of which was written by myself, as I then lived in his family. As Mr. Webster is not here, his son, who is acting Secretary, had doubts as to the propriety of allowing me to use it as a document coming from the State Department, and I had to promise him that it should not be used as such, but as emanating from the American Consul in Mexico. But as it would probably have more weight coming from our Government than from the Consul, I can, I think, obtain permission from the father to use it as we wish. He will be home in a few days, and if you will wait so long, I will, without instructions from you, make the request and communicate to you the result.

With great respect, I am, Sir, your obedient servant,

ABRAHAM MILLER.

D. M. PERINE, Esqr.

(Paper referred to above.)

CONSULATE OF THE UNITED STATES OF AMERICA,
MEXICO, March 1, 1835.

SIR: The following is a compendium of the Revenues the Government should receive per annum, and concludes my commercial statistical account.

* * (here follows a classification, with a detailed statement of the merchandise of every description imported through the different into the Mexican Republic, in one year, with the amount of duty accruing on each article according to the then existing tariff of the country.)

The recapitulation of the detailed statement attached to this statistical account above alluded to, is as follows:

Cottons, ...	$5,776,134	00
Linens, ...	1,012,867	00
Woollens, ...	565,998	00
Silks, ...	1,544,228	00
Sundries, ...	1,037,280	00
Add 8 per cent. difference between yards and varas		

on $2,578,577, amounts of duties calculated upon yards instead of varas,	$206,286	00
	$10,142,793	00
Add 25 per cent. consumption duty, of which sum $431,000 is usually collected the Federal District,	2,535,698	00
Add 25 per cent. on $410,217 duties on spirits,	102,554	00
Consumption duty on printed books,	352	00
	$12,781,397	00
Other regular branches of revenue, are		
Post Office,	$230,683	00
Lotteries,	41,260	00
Salts,	66,505	00
From National property,	11,923	00
The Mint,	135,480	00
Hospitalities,	166,771	00
Tolls,	24,514	00
Extraction and circulation duty on the annual exportation of specie and bullion,	500,000	00
Contingents of the States,	1,356,563	00
Rents peculiar to the Federal Districts and Territories,	101,977	00
Custom house Federal District,—duties on produce of the country,	801,358	00
National revenue per annum, Dollars	16,158,431	00

N. B. There are other accidental products, but from their character they are not enumerated. Tobacco formerly constituted a large item of revenue, but it is not at this time a Government monopoly.

With great respect I have the honor to be, &c.,

W. S. PARROTT,
Consul of the U. S. of America.

The Honorable JOHN FORSYTH,
Secretary of State, Washington.

The defendant's solicitors also filed, with the master, the four letters herewith returned, purporting to be from Lewis Brantz, and marked Defendant's Exhibits, L. B., from No. 1 to No. 4, inclusive, which letters the complainants' solicitor admits to be genuine.

Defendant's Exhibit, L. B. No. 1.

Letter from Lewis Brantz to Robert Oliver, dated 24th November, 1831.

Mexico, 24th November, 1831.

Robert Oliver, Esqr., Baltimore.

Sir: Immediately on my arrival here, a very few days ago, I presented your letter, together with that from the Department of State, to Mr. A. Butler, who has assured me, that, as soon as he has completed the engrossing, and forwarding the treaty, he will apply himself to the old claims of citizens of the United States against the Mexican Government. He has shown me the packet of documents relating to yours, and has promised me an early day for their examination with me, for the purpose of rendering ourselves sufficiently acquainted with the details of the subject. He is aware, that he is to consider me as your agent in this business; and has promised me his assistance in the prosecution of it. I shall continue my advices to you of any progress that will be made. In the mean time I would ask leave to suggest to you the propriety of your sending me your power of attorney; an exhibition of which may perhaps be required at the opening of the subject with the department here.

Mr. Charles F. Mayer, in the quality of trustee of Hollins & McBlair, has sent me a power of attorney to a similar effect with the Mexican Consular certificate. It might perhaps help to expedite results. It would probably be best to send duplicates by the monthly packets from New York, addressed simply to me at Mexico.

I have exhibited your letter to me, of 16th September last, to Messrs. Laguerenne, Bourdel, here, who have promised me, in the course of the ensuing month, to pay over to me the balance due you on the money left with them for your account by Mr. Mason. I shall investigate what agreement Mr. Mason made with them concerning interest; and I shall settle with them according. As I am present here to urge the matter as often as necessary, I have no doubt their promise will be complied with.

I am respectfully, Sir, your most obedient servant,

LEWIS BRANTZ.

Defendant's Exhibit, L. B. No. 2.

Letter from Lewis Brantz to Robert Oliver, dated 14th January, 1832.

Mexico, 14th January, 1832.

Robert Oliver, Esqr., Baltimore.

Sir: I had the honor of addressing you 24th November last. I have since received from Mr. Anthony Butler the packet of papers relating to your claim on the Mexican Government, for which I have given him a receipt. We ran through the papers together. Mr. Butler is of opinion, as well as others, that this is an unfavorable time to urge those claims with the present Administration, and that some change may take place, which might become more auspicious. The late occurrences at Vera Cruz, moreover, has put every consideration of that kind for the present out of the question. It might perhaps have been well to introduce an article into the treaty, providing for the claims of American citizens; this could not well be done here, but since the treaty has gone to Washington in an unfinished state, something of that nature might be proposed or insisted upon there.

Messrs. Laquerenne & Boindel have not yet complied with the promise of paying me over the balance of the money left with them by Mr. Mason for your account. I have continued my urgency with them. But my relation with them is such, that, should any compulsory measures be necessary, I should request you to put your claim into other hands. Has Mr. Mason made any agreement with them about interest?

Very respectfully, Sir,
Your most obed't servant,
LEWIS BRANTZ.

Defendant's Exhibit, L. B. No. 3.

Letter from Lewis Brantz to Robert Oliver, dated 30th July, 1832.

Mexico, 30th July, 1832.

Sir: I received your favor of 3d April last, during a period of extreme illness, from which I am now slowly convalescing, but which during three months prevented my attending to any business. I communicated your letter to Messrs. Laguerenne and Bourdel; they promised me to write to you, which you will find inclosed. I think it is not unlikely that they will comply with their promise if you write to them to remit to you, although it would be at present at a great sacrifice of exchange. I think in about three or four months, I shall be more at liberty to urge this payment consistent with my other duties. If you think proper to defer until that time, I might then attend to it, otherwise you would probably write to some respectable house here, such as Messrs. Manning & Marshall, Messrs. Faerber & Kolster, the latter friends of Messrs. Godefroy of Hamburg.

You are aware that the public concerns of this country have been for many months back in too convulsed a state to attempt anything in forwarding your Mina claim. As soon as I shall be able to go out, shall deliver your letter to Col. Tornel, and write you his opinion. I.

I am, respectfully, Sir,
Your most obed't servant,
LEWIS BRANTZ.

Robert Oliver, Esq., Baltimore.

Defendant's Exhibit, L. B. No. 4.

Letter from Lewis Brantz to Robert Oliver, dated 22d May, 1833.

MEXICO, 22d May, 1833.

ROBERT OLIVER, Esq., Baltimore.

Sir: At the time of the receipt of your respected letter of 3d April last year, I was lingering under a painful and dangerous illness, which disabled me from attending to any business during the remainder of that year. And as in the revolutionary state of the country nothing could be done in furthering your claim against this Republic, the only measures I could take was for the security of your papers. There appears now to be a reasonable prospect of tranquillity for some time to come, and soon after the next meeting of the Congress, may probably be a propitious time to prefer your claim. It will be necessary that you should fully substitute some person here to prosecute your claim, a measure which you will recollect I recommended soon after my arrival here, and without which I never could have acted for you efficiently. There will also be some expense attending the prosecution, for which funds ought to be provided. Mr. Anthony Butler, our chargé d'affaires, by his official influence will probably be best able to forward your cause, and he is disposed to undertake it if authorized and instructed to do so. I know of no one else here that would. I calculate on leaving Mexico in September next, and should be glad to receive your direction what to do with your papers. Should I not receive your direction before my departure, I shall deposit them in the Archives of the American Legation here. When your claim is ultimately admitted by the Government, the amount so admitted and liquidated will be worth about 7 to 8 per cent. in the market; that at least has been the current value of documents arising from claims of a similar character. They are only available in making new loans to the Government, when, by adding about 60 per cent. in specie, a new document is granted in the shape of orders on the Custom House, which again is worth only about 40, 40 p. c. discount. I shall again before my departure urge the payment of the balance due you by Messrs. Laguerenne & Bourdel, if I hear nothing from you to the contrary. They have said nothing to me about it. They have been very much embarrassed, but are now again getting easy.

I am, respectfully, Sir, your obed't servant,

LEWIS BRANTZ.

The defendant's solicitors also filed the paper herewith returned, marked Defendant's Exhibit, R. O. No. 1, which the complainants' solicitor admits to be a genuine letter written by the late Robert Oliver, and also filed nine other papers herewith returned, marked Defendant's Exhibits, R. O., from No. 2 to No. 10, inclusive, which complainants' solicitor admits to be true copies of what they severally purport to be, and agrees that they shall have like effect as if the originals were produced and proved.

Defendant's Exhibit, R. O. No. 1.

Assignment from D. A. Smith to Robert Oliver, 30th January, 1826.

Duplicate.

BALTIMORE, January 30th, 1826.

To the Hon'ble J. R. POINSETT.

Sir: I have this day assigned to Robert Oliver, Esq., my half of the claim on the Mexican Government for Mina Expedition, and I have to request of you to have the same funded in his name, or in such names as he may direct.

I am, respectfully, your obedient servant,
DENNIS A. SMITH.

30th January, 1826.

My dear Sir: You will see by the above letter that Mr. Dennis A. Smith has assigned to me his interest in the claim on the Mexican Government for advances to General Mina, and I request you will have the goodness to direct Mr. Mason to take the necessary steps to secure it for me.

I have already informed you that I intend to sell my interest in this claim as soon as possible, and I request you will endeavor to procure saleable stock, or such as can be readily converted into money, or good bills on this country or Europe. I beg leave to refer you to my letter of the 10th ulto., and have only to add that I am

Very sincerely, your obedient servant.

BALTIMORE, 12th February, 1826.

My dear Sir: The above is a duplicate of my last respects, and I have now to acknowledge receipt of your favor of the 6th ulto. Mr. D. A. Smith assures me that he will remit very soon the $5000 to your agent in Charleston, and explain to you his reasons for delaying it so long. I have no expectation that Mr. Appleton will do any good at Naples, and I still think a minister will be sent there. I intend to go to Washington to-morrow, and will endeavor to ascertain the views of our Government on that subject.

Yours very truly,
ROBERT OLIVER.

To the Hon'ble J. R. POINSETT, Mexico.

Defendant's Exhibit, R. O. No. 2.

Copy of letter from Robert Oliver to D. A. Smith, John Mason, Jr., dated 23d March, 1823.

BALTIMORE, 23d March, 1823.

D. A. SMITH and
JOHN MASON, Jr.

Herewith you will receive the necessary power of attorney to enable you to demand from the Government of Mexico my interest in the claim for advances made to the late General Mina. Mr. Smith has a perfect knowledge of the nature and extent of the claim, and if it is paid, be pleased to remit the amount to me in good Bills of Exchange or dollars, observing that I am not to be subjected to any expense, but your commission of 7½ per cent. on amount recovered.

I am, very truly,
R. O.

Defendant's Exhibit, R. O. No. 3.

Letter from Robert Oliver to Dr. Jos. Johnson, dated 20th August, 1825.

BALTIMORE, 20th August, 1825.

Dr. JOS. JOHNSON.

Our mutual friend, Mr. Poinsett, has no doubt informed you that he indorsed D. A. Smith's bills on Job Smith, of this city, for $5000, which he has directed me to take up for his honor in case they were not paid by Mr. Smith, and to draw on you for the amount. Mr. Smith's bill fall due this day, and he has just called to inform me that I must take them up for account of Mr. Poinsett. You will therefore be pleased to remit me the amount, with $3 for cost of protest, as soon as convenient.

I am, very truly, &c.,
R. O.

Defendant's Exhibit, R. O. No. 4.

Copy of letter from Robert Oliver to John Mason, Jr., dated 4th October, 1825.

4th October, 1825.

JOHN MASON, Jr.,
Secretary of Legation, Mexico.

I am favored with your letter of the 22d June, which was handed me by D. A. Smith. Mr. Poinsett and you must make the best arrangement you can with General Wilkinson, and the other gentleman alluded to in your letter. It is stated in the New Orleans papers that he is dead; and if so, his unjust claim as respects me is

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settled. I inclose a letter from Lyde Goodwin on this subject. If Mr. Smith has abandoned his proportion of the 7½ per cent. commission, you will of course be entitled to the whole. Be pleased to inform Mr. Poinsett that I will write to him as soon as Mr. Smith has made his arrangement respecting the mines.

I am, &c.,
R. O.

Defendant's Exhibit, R. O. No. 5.

Copy letter from Robert Oliver to J. R. Poinsett,
dated 1st March, 1826.

BALTIMORE, 1st March, 1826.

JOEL R. POINSETT, Esq., Mexico.

Dear Sir: I have delivered to the commander of the schooner Yellott, about to sale for Vera Cruz, the book relating to General Mina's expenditures, with his signature. I have already informed you that Mr. D. A. Smith has promised to remit the $5000 to your agent at Charleston. He is now in New York, and when he returns I will see him again on the subject. Mr. Cambreling informed me a few days ago that he gave you every information you can require respecting matters here, and I consider it useless to say anything about public or private concerns.

Yours very truly,
R. O.

Defendant's Exhibit, R. O. No. 6.

Copy letter from Robert Oliver to J. R. Poinsett,
dated 5th July, 1826.

BALTIMORE, July 5th, 1826.

JOEL R. POINSETT, Mexico.

I informed you in my letter of the 5th ult., that I had made an arrangement with D. A. Smith, which has enabled me to pay to your friend Johnson, Charleston, $4982. Mr. Smith intended to leave in my hands $5000, but on settling his acc't, I found it fell short $18, which with the interest he will settle with you. I hope Mr. Mason has secured my claim on the Mexican Government, and received my letter authorizing him to draw on me for $2000. I don't recollect any news that it would be interesting to you or Mr. Mason.

I remain, &c.,
R. O.

Defendant's Exhibit, R. O. No. 7.

Copy letter from Robert Oliver to J. R. Poinsett,
dated 25th Sept., 1827.

BALTIMORE, Sept. 25th, 1827.

JOEL R. POINSETT, Esq., Mexico.

I have not heard from you for several months, nor had I anything to communicate worth the postage of a letter. I am informed that you will soon to the United States, and if so, the Mina claim will be lost unless you get it settled before you leave Mexico. I am now the principal owner of this claim, and I earnestly entreat you to endeavor to get it liquidated immediately. I have already informed you that I own one-half of a claim on the Mexican Government, which is in the hands of Messrs. Soubervill and Fontenges, of Mexico, who have not answered any of my letters on the subject, and if Mr. Mason returns I intend to empower him to take charge of it. I hope you have brought it before the Government and made some progress in the liquidation of it. I have now some prospect of getting a minister sent to Naples next spring. I intend to send you by this conveyance some newspapers, which will show you the political situation of the country.

R. O.

Defendant's Exhibit, R. O. No. 8.

Copy letter from Robert Oliver to J. Mason, Jr., dated 25th November, 1827.

BALTIMORE, Nov. 25th, 1827.

JOHN MASON, JR., Georgetown.

Herewith you will receive a power of attorney for the remaining half of the Mina claim, which will occasion you no additional trouble, as the settlement of my half will of course settle the whole. I have arranged with the parties interested to allow you 5 per cent. commission, which is the utmost they would agree to pay. I am now the representative of the whole of this claim, and when it is settled, I wish you to get a certificate in my name for one-half of the amount recovered, and for the remaining half, one certificate in the names of Philip E. Thomas and John White, cashier of our branch bank. Should you find this arrangement likely to produce any inconvenience or delay, you may take one certificate for the whole in my name, and I can settle with the parties concerned. I wish you, if practicable, to get the stock made payable in England, to enable me to sell it there, and if you forward it to my friends, Baring, Brothers & Co., of London, with orders to hold it at my disposal. You will also find inclosed a power of attorney to enable you to prosecute a claim in Mexico, for a loss sustained by D'Arcy and Didier, and Col. Thomas Tenant of this city, to which I request your particular attention. The papers relating to this claim are in the hands of Mr. Poinsett, who will deliver them to you. When Darcy and Didier were about to fail, they assigned this claim and others to me, to secure a loan of money, but as their failure is probably not known in Mexico, I thought it best to let the original owners of the property sign the power of attorney, and the same reasons have induced me to let Mr. Smith sign the power relating to the Mina claim, instead of the parties to whom he assigned it. The proprietors of the claim for the schooner Highflyer have agreed to allow you 5 per cent. commission on the sum actually recovered, and in case of success, endeavor to procure certificates as directed in the Mina case, one-half in favor of Col. Thomas Tenant, and the remaining half in my name. If these certificates are made payable in London, you may forward them to Baring, Brothers & Co., London.

Mr. Poinsett will not remain long in Mexico. I earnestly entreat you to get these claims settled before he leaves the country.

I am, very truly, yours,

R. O.

Defendant's Exhibit, R. O. No. 9.

Copy letter from R. Oliver to Col. Butler, dated
6th April, 1831.

BALTIMORE, 6th April, 1831.

COLONEL BUTLER.

My friend, Mr. Poinsett, informed me, when he returned from Mexico, that his Secretary, John Mason, had left in your hands my claim on the Mexican Government, to which I beg leave to call your attention; and have only to add, that

I am, very truly,

R. O.

Defendant's Exhibit, R. O. No. 10.

Copy letter from Robert Oliver to Lewis Brantz, dated
16th September, 1831.

BALTIMORE, 16th September, 1831.

LEWIS BRANTZ, Baltimore.

Mr. John Mason, our late Secretary of Legation at Mexico, left in the hands of Messrs. Laguerenne & Bourdel, of that city, \$12,070½, in January, 1830, with orders to remit the amount to me by the first safe opportunity, and I have only received \$6000.

The object of this letter is to request that you will call on these gentlemen for the balance, and remit the amount to me by the first safe opportunity. You will also be pleased to call on Mr. Butler, our representative in Mexico, to know if he has made any progress in the settlement of my claims left in his hands by Mr. Mason.

R. O.

P. S. Since writing the annexed, I have concluded to commit the management of my claims on the Mexican Government to you; and herewith inclose an open letter to Mr. Butler on the subject. I have already given you my views in relation to the Mina claim; and have only to add, that I wish you to act for me as you would for yourself, under similar circumstances.

At the request of the defendant's solicitors, the master then fixed the 3d day of November, 1855, for taking further evidence on behalf of the defendants, and gave notice thereof to the solicitors of the respective parties.

On the 3d day of November, 1855, pursuant to the notice, G. L. Dulany, Esquire, on behalf of the complainant, and J. M. Campbell, Esquire, on behalf of the defendants, appeared before the master; and the defendant's solicitor filed with the master the papers herewith returned, marked Defendant's Exhibit, J. M. C. No. 1 to No. 19, inclusive.

Defendant's Exhibit, J. M. C. No. 1.

(Hereinbefore inserted with the supplemental answer at page No. 18 of this record.)

Defendant's Exhibit, J. M. C. No. 2.

Power of attorney from J. Mason, Jr., and D. A. Smith to John Mason, Jr., dated 22d June, 1825.

Know all men by these presents, that we, John Mason, Jr., and Dennis A. Smith, joint attorneys of Robert Oliver, of Baltimore, duly appointed by his power of attorney, bearing date the twenty-fourth day of March last, attested by Roswell L. Colt and Jno. Gill, Notary Pub., and certified by John Gill, Notary Public, dwelling in the City of Baltimore, for the purpose of prosecuting the claim of the Baltimore Mexican Company on the Mexican Government, for supplies, &c., furnished by said Company to General Xavier Mina, have constituted and appointed, and do by these presents constitute and appoint said John Mason, Jr., sole attorney for the purpose above mentioned; and do hereby authorize and empower the said John Mason, Jr., to act alone in the premises, as we were by said Robert Oliver authorized and empowered to act jointly, hereby ratifying and confirming all the said John Mason, Jr., may do in the same.

Witness our hands and seals this twenty-second day of June, eighteen hundred and twenty-five.

J. MASON, JR., [SEAL.]
D. A. SMITH. [SEAL.]

Witness:
AND. ELLICOTT, Jr.,
JNO. F. GOULD.

United States of America, Department of State.

To all to whom these presents shall come, greeting:

I certify, that the paper hereunto annexed is a true copy of a document presented to the Board of Commissioners on Claims against Mexico, in the case of Oliver and others, and now on file in this department with other documents appertaining to cases adjudicated by said commissioners.

In testimony whereof, I, William L. Marcey, Secretary of State of the United States, have hereunto subscribed my name, and caused the seal of the Department of State to be affixed.

Done, at the City of Washington, this twenth-eighth
[SEAL.] day of September, A. D. 1855, and of the Independence of the United States of America, the 80th.

W. L. MARCEY.

Defendant's Exhibit, J. M. C. No. 3.

(Memorial of J. Mason, Jr. (in French) to the Mexican Congress.)

La reclamation que Je fais au Gouvernement die Mexique se monte á 160,616 $\frac{72}{100}$ piastres—elle est pour munitions de guerre, argent et effects divers fournis au General Xavier Mina en Oannie 1816 pour aiden á O'emancipacion de ce pays de Oppression Espagnole par plusieurs individus de Baltimore—a savoir, Jere and John Sullivan, J. Williams, J. Goodwin, Dennis A. Smith, Hollins & McBlair, Thomas Sheppard, Descaves, and Mercier, and Lyde Goodwin, tons Citoyens des Etats Unis d'Amerique et negotiants associes pour cet object; sous le nom "Compagnie Mexicaine de Baltimore," apies plusieurs Changements consequents sur la mort ou banqueroute des individus qui formaicent la Campagnie Mexicaine, son interet est passie" en entier á Robert Oliver et Dennis A. Smith de Baltimore desquels Je tiens pleins pouvoirs pour son ajustement et tons les documents necessaires pour establir sa justice.

J. MASON, Jr.

Ville de Mexico, Septr. le 22, 1825.

United States of America, Department of State.

To all to whom these presents shall come, greeting: I certify that the annexed paper is a true copy of a document presented to the Board of Commissioners on Claims against Mexico, in the case of Oliver and others, and now on file in this department, with other documents appertaining to cases adjudicated by said Commissioners.

In testimony whereof, I, William L. Marcy, Secretary of State of the United States, have hereunto subscribed my name and caused the seal of the Department of State to be affixed. Done at
[SEAL.] the City of Washington, this twenty-second day of September, A. D. 1855, and of the Independence of the United States of America, the 80th.

W. L. MARCY.

Defendant's Exhibit, J. M. C. No. 4.

Memorial of J. Mason to the Mexican Congress, in English.

The Mexican Company of Baltimore having thought proper to withdraw the powers formerly given to Gene. Is. Wilkinson, in order to represent the claim they have against the Mexican nation, for supplies of money, munitions of war, &c., furnished by them in the year 1816 to General Xavier Mina, to aid in the emancipation of Mexico, and to invest them in John Mason.

He humbly solicits, in the name and behalf of the said Company, *i. e.* of Robert Oliver, Dr. Smith, &c. &c., that an early opportunity may be afforded him of submitting to your honorable body the documents and evidence which he holds, to prove that the sums now claimed by the said Company were advanced by them to the patriots of Mexico during their glorious struggle for the independence of this country.

They have been deprived of their capital for more than eight years, and they hope, from the justice of this Government, that the payment of these sums, which were advanced when the nation was in danger and difficulty, and without resources of any description, will not be delayed now that it is organized and constituted into a regular Government, full of resources and able to discharge the debts incurred during that glorious struggle which has terminated so happily.

Your petitioner therefore prays your honorable body to determine in what matter, and to what tribunal he should occur for the liquidation of this first debt; and humbly prays, that a committee of your body may be appointed for this purpose, or a tribunal created, in order to take cognizance of creditors of this nature, and before which he can substantiate the justice and validity of the claims of the Company he represents.

United States of America, Department of State.

To all to whom these presents shall come, greeting: I certify that the annexed paper is a true copy of a document presented to the Board of Commissioners on Claims against Mexico, in the case of Oliver and others, and now on file in this department, with other documents, appertaining to cases adjudicated by the said Commissioners.

In testimony whereof, I, William L. Marcy, Secretary of State of the United States, have hereunto subscribed my name, and caused the seal of the Department of State to be affixed. Done at [SEAL.] the City of Washington, this twenty-eighth day of September, A. D. 1855, and of the Independence of the United States of America, the 80th.

W. L. MARCY.

Defendant's Exhibit, J. M. C. No. 5.

Spanish memorial, J. Mason, Jr., to Mexican Congress, 4th October, 1825.

(Copy.)

Al Honorable Congreso General de los Estados Unidos Mexicanos.

Habiendo tenido por oportuno la Compania Mexicana de Baltimore quitar al General Wilkinson los poderes que le habia conferido para que hiciese las reclama, coines quela competen de dinero, municiones de guerra le suministrados por la dicha compania en el ano de 1816, al General Xavier Mina, para que realisase la Independencia de Mexico y conferir los dichos poderes á Juan Mason; Este, en nombre de la dicha compania compuesta de los senores Robert Oliver, Dennis A. Smith, et alii, suplica á este Congreso General se le permita presente con la Mayor . . brevedad los documentos fe hacientes que prueban que los sumas que ahora se reclaman fueron adelantados á los Patriotos Mexicanos, para le consecucion de su Glorioso Independencia (Independencia).

Han estado privados de sus capitales mas de nueve anos y esperan de la justificacion de este Gobierno que el recobio de unas sumas que adelantaron, quando heligra ba la nacion y sin ninguna especie de cursos, no se defiri ra ahora que ya esta organizada y con un Gobierno regularmente constituido, cleno de recursos y en estado de hagar las deudas que contrajo en la epoca de una contienda que terminó tan venturosamente.

Ental Estado, el exponente ruega a soberano Congreso se sirva determinar de que modo ya que tribunal debe recurirpara la laquidacion de esta justa dueda y suplica se forme una comision de su seno para este objecto ó un Tribunal que tome conocimiento de los creditos, de esta especie, y ante elqual pueda sustancicer la justice y valides de las reclamciones de la compania que representa.

Dios y Libertad, Mexico, 4de Octobre, 1825.

J. MASON, Jr.

United States of America, Department of State.

To all to whom these presents shall come, greeting:

I certify, that the annexed paper is a true copy of a document presented to the Board of Commissioners on claims against Mexico, in the case of Oliver and others, and now on file in this department, with other documents appertaining to cases adjudicated by said commission.

In testimony whereof, I, William L. Marcy, Secretary of State of the United States, have hereunto subscribed my name, and caused the seal of the department to be affixed.

[SEAL.] Done, at the City of Washington, this twenty-first day of September, A. D. 1855, and of the Independence of the United States of America the 80th.

W. L. MARCY.

Defendant's Exhibit, J. M. C. No. 6.

Spanish Memorial by J. Mason, Jr., to the Deputies of Mexico, 8th October, 1825.

(Copy.)

S. S. Deputads.

Sr. Mason apoderado de Robert Oliver y Dionisio Smith de Baltimore, duenos de un credito contra la nacion Mexicana creado por la q'e se Clamó Compania Mexicana, de Baltimore, se Compuesta de T. J. W. L. G. D. Smith, Holl, &c., en virtud de suplementos hechos a los patriotas indepen'tes durante la gloriosa lucha la independena'a, me presento ante el Congreso diciendo q'e tengo documentos q'e a creditan legalm'te el monto de esta deuda y sue legitimidad; q'e los propietarios estan privados de sus capitales pace mas de ochohanos sin percibir fruto alguno de ellos: q'e no es justo q'e habiendolos invertido en beneficio de la nacion, en tiempo q'e no tenia esta recursos algunos, se lest dilate elpago cuando ya esta cimentada y constituida y finalm'te que el honor nacional y el credito publico de la nacion Mejicana estan comprometidos en este negocio.

Por estas consideracion's ruego al Congreso se sirva determinar á donde debere occurîr legalmente para la liquidacion de. esta deuda ó si lo tiene á bien mandar que una comision de su seno entienada en estar liquidacion's hues no hallamos recurso ni arrbitrio los acrehedores porfalta de un tribunal ö corporacion destinada á esta clare de negocios con perjuició notable de la nacion y de los acrehedores.

Dios y Libertad, Mexico, 8 bre. 3 de 1825.

United States of America, Department of State.

To all to whom these presents shall come, greeting:

I certify, that *that* the annexed paper is a true copy of a document presented to the Board of Commissioners on Claims against Mexico, in the case of Oliver and others, and now on file in this department, with other documents appertaining to cases adjudicated by said commission.

In testimony whereof, I, William L. Marcy, Secretary of State of the United States, have hereunto subscribed my name, and caused the seal of the Department of State to be affixed.

[SEAL.] Done, at the City of Washington, this twenty-first day of September, A. D. 1855, and of the Independence of the United States of America the 80th.

W. L. MARCY.

Defendant's Exhibit, J. M. C. No. 7.

Letters from Robert Oliver to A. Butler, dated 30th August, and 17th September, 1831.

Baltimore, 30th August, 1831.

Sir: I am favored with your letter of the 29th June, by which I am sorry to observe, that Mr. Mason omitted to give you any information relative to my claims on the Government of Mexico. I have now to request, you will open the package he left in your hands, which, I presume, contains the necessary information in relation thereto.

(Copy.) I am, very truly, your obedient servant.

To O. C. Butler, Esq.,
Charges des Affaires,
United States of America, Mexico.

Baltimore, 17th Sept'r, 1831.

Sir: Annexed is a duplicate of my last respects, the 30th ulto., since which I have made an arrangement with the bearer, Mr. Lewis Brantz, relative to my claims on the Mexican Government; and I have now to request you will assist him to procure a settlement of them.

I am, very truly,
Your obedient servant,
ROBERT OLIVER.

United States of America,
Department of State.

To all to whom these presents shall come, greeting: I certify that the annexed paper is a true copy of a document presented to the Board of Commissioners on Claims against Mexico, in the case of Robert Oliver and others, and now on file in this department, with other documents appertaining to cases adjudged by said Commission.

In testimony whereof, I, William L. Marcy, Secretary of State of the United States, have hereunto subscribed my name, and caused the seal of the Department of State to be affixed.

[seal.] Done at the City of Washington, this twenty-eighth day of September, A. D. 1855, and of the Independence of the United States of America the 80th.

W. L. MARCY.

Defendant's Exhibit, J. M. C. No. 8.

Letter from Robert Oliver to Daniel Brent, dated 17th September, 1831.

Baltimore, 17th Sept'r, 1831.

Dear Sir: When Mr. John Mason was about to leave Mexico, he placed in the hands of our representative, Mr. Butler, a package containing papers belonging to me, relating to claims on the Mexican Government. You will see by the inclosed letter lately received from Mr. Butler, that he had not opened the package, and I have now to request you will instruct him to pay due attention to my claims. I am informed by a gentleman lately arrived from Mexico, that Mr. Butler is disliked by all the Americans, and that he will do nothing without instructions from your department. I have engaged Mr. Lewis Brantz, of this city, who will proceed to New York on Wednesday next, to embark for Vera Cruz, to take charge of my claims on the Mexican Government; and I hope you will send me the letters for Mr. Butler in time to go by Mr. Brantz.

Yours, very truly,
ROBERT OLIVER.

DANIEL BRENT, Esq.,
Department of State, Washington.

UNITED STATES OF AMERICA,
DEPARTMENT OF STATE.

To all to whom these presents shall come, greeting: I certify that the annexed paper is a true copy of a document presented to the Board of Commissioners on Claims against Mexico, in the case Oliver and others, and now on file in this department, with other documents appertaining to cases adjudicated by the said Commission.

In testimony whereof, I, William L. Marcy, Secretary of State of the United States, have hereunto subscribed my name, and caused the seal of the Department of State to be affixed.

[SEAL.] Done at the City of Washington, this twenty-second day of September, A. D. 1855, and of the Independence of the United States of America the 80th.

W. L. MARCY.

Defendant's Exhibit, J. M. C. No. 9.

Letter from Daniel Brent to A. Butler, dated 27th September, 1831.

25 Congress, 2d Session. Doc. 351, page 82. Ho. of Representatives. Executive.

Mr. Brent to Mr. Butler.

DEPARTMENT OF STATE,
WASHINGTON, Sept. 27th, 1831.

Sir: Mr. Robert Oliver, of Baltimore, has stated to this department, that he has a claim or claims upon the Mexican Government, the evidences of which were left in your hands by Mr. Mason, the late Secretary of our Legation to that Government; that those evidences were contained in a sealed packet which had lately understood from you, had not been opened; and that you awaited his authority and the instructions of this department to examine their contents and prosecute the claim which they involve. It is the wish of the Secretary, therefore, that your good offices should be employed in such manner and to such extent as may be proper and useful towards the prosecution of the claim or claims in question, to a successful result.

In the mean time, I am, respectfully, sir,

Your obedient servant,

(Signed) DANIEL BRENT.

ANTHONY BUTLER, Esq.,
Chargé d'Affaires of the United States to Mexico.

UNITED STATES OF AMERICA,
DEPARTMENT OF STATE.

To all to whom these presents shall come, greeting: I certify that the annexed paper is a true copy of a document presented to the Board of Commissioners on Claims against Mexico, in the case of Robert Oliver and others, and now on file in this department, with other documents appertaining to cases adjudicated by said Commission.

In testimony whereof, I, William L. Marcy, Secretary of State of the United States, have hereunto subscribed my name, and caused the seal of the Department to be affixed.

[SEAL.] Done at the City of Washington, this twenty-eighth day of Septemer, A. D. 1855, and of the Independence of the United States of America, the 80th.

W. L. MARCEY.

Defendant's Exhibit, J. M. C. No. 10.

Receipt, Lewis Brantz to A. Butler, dated 6th December, 1831.

Received from Col. Anthony Butler a packet of papers containing a book of accounts and other documents relative to the claim of Robert Oliver, of Baltimore, and others against the Mexican Government, being the same papers delivered to the said Col. Butler by John Mason, Junr., formerly Secretary of Legation to this mission.

LEWIS BRANTZ.

MEXICO, 6th December, 1831.

United States of America, Department of State.

To all to whom these presents come, greeting:

I certify, that the paper hereunto annexed is a true copy of a document presented to the Board of Commissioners on Claims against Mexico, in the case of Oliver and others, and now on file in this department, with other documents appertaining to cases adjudicated by said commission.

In testimony whereof, I, William L. Marcy, Secretary of State of the United States, have hereunto subscribed my name, and caused the seal of the Department of State to be affixed.

Done at the City of Washington, this twenty-eighth day [SEAL.] of September, A. D. 1855, and of the Independence of the United States of America, the 80th.

W. L. MARCY.

Defendant's Exhibit, J. M. C. No. 11.

Letter from Robert Oliver to Edward Livingston, Sect'y of State, dated 26th March, 1832.

BALTIMORE, 26th March, 1832.

Dear Sir: I have received a letter from my agent in Mexico, in which he requests I would ask you to endeavor to introduce a clause into the new treaty, requiring the Mexican Government to settle and pay all just American claims.

I am, very respectfully,
Your most obed' serv't,
ROBERT OLIVER.

United States of America, Department of State.

To all to whom these presents shall come, greeting:

I certify, that the annexed paper is a true copy of a document presented to the Board of Commissioners on Claims against Mexico, in the case of Oliver and others, and now on file in this department, with other documents appertaining to cases adjudicated by said commission.

In testimony whereof, I, William L. Marcy, Secretary of State of the United States, have hereunto subscribed my name, and caused the seal of the Department to be affixed.

Done at the City of Washington, this twenty-eighth day [SEAL.] of September, A. D. 1855, and of the Independence of the United States of America the 80th.

W. L. MARCY.

Defendant's Exhibit, J. M. C. No. 12.

Letter from Daniel Brent to A. Butler, dated 12th October, 1832.

(25 Congress, 2d Session, Doc. No. 351, page 84. Ho. of Representatives, Executive.)

Mr. Brent to Mr. Butler.

DEPARTMENT OF STATE,
WASHINGTON, October 12th, 1832.

Sir: I have the honor of transmitting to you herewith a letter from Mr. Robert Oliver, of Baltimore, addressed to yourself, expressing his hope that it may be in your power to make some progress in the settlement of his claim upon the Mexican Government, and I need scarcely observe, in recommending these claims to your atten-

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tion, that it would be very agreeable to the President and Secretary that they, as well as all others of the same description upon the same Government, should be brought to a speedy and satisfactory conclusion.

Your despatches, No. 34, have been received at this Department, with several sealed letters addressed to the President from yourself. The former have been sent to the Secretary at *at* the different points where they will reach him upon his present excursion from the seat of Government, and the latter will be delivered to the President on his return, which will be in a few days.

I am happy to inform you that this city is now happily relieved from the epidemic cholera; no new cases that I have heard of have occurred for several days past.

I am, Sir, with much respect,
Your obedient servant,
(Signed) DANIEL BRENT.

ANTHONY BUTLER, Esq.,
Charé d'Affaires of the
U. S. to Mexico.

United States of America, Department of State.

To all to whom these presents shall come, greeting:

I certify, that the annexed paper is a true copy of a document presented to the Board of Commissioners on Claims against Mexico, in the case of Oliver and others, and now on file in this department, with other documents appertaining to cases adjudicated by said commission.

In testimony whereof, I, William L. Marcy, Secretary of State of the United States, have hereunto subscribed my name, and caused the seal of the Department of State to be affixed.

[SEAL.] Done at the City of Washington, this twenty-eighth day of September, A. D. 1855, and of the Independence of the United States of America the 80th.

W. L. MARCY.

Defendant's Exhibit, J. M. C. No. 13.

Power of Attorney from Robert Oliver to A. Miller, dated 8th April, 1833.

United States of America, State of Maryland, to wit:

Be it known, that on this eighth day of April, one thousand eight hundred and thirty-three, before me, John Gill, Notary Public, by letters patent under the great seal of the State of Maryland, commissioned and duly qualified, residing in the City of Baltimore, in the State aforesaid, personally appeared Robert Oliver, party to the following letter of attorney, and acknowledged the same to be his act and deed.

In testimony whereof, I have hereunto set my hand, and affix my notarial seal, the day and year aforesaid.

[L. S.] JNO. GILL,
Notary Public.

Know all men by these presents, that I, Robert Oliver, of the City of Baltimore, and State of Maryland, one of the United States of America, merchant, have made, ordained, nominated, constituted, and appointed, and hereby do make, ordain, nominate, constitute, and appoint, and in my place and stead, put and depute Mr. Abraham Miller, of New Orleans, at present in Baltimore, and now about to proceed to Mexico, true and lawful attorney for me; use, to ask, demand, and sue for, and by all lawful ways and means recover and receive of and from Messrs. Laguerinne and Bourdel, of the City of Mexico, and all other persons in the United States of Mexico, all such sum or sums of money, goods, wares, merchandise, effects, debts, and demands whatsoever, as now is, or are, or shall or may hereafter be in his, her, their, or any of their hands, custody, or possession, due, owing, payable, or belonging to me the said Robert Oliver, the said constituent; whether by bond, note, bill, book debt, account, consignment, or for or by what other way, reason, or means soever, none excepted or reserved; also to claim from the Government of the United States of Mexico, and the proper officer and officers thereof, all moneys coming to me, arising from claims relative to the expedition in favor of said Government, under the command of General Mina, which have been assigned to me, and arising from all other claims which I have on said Government, or am interested in, and to receive the same, and give receipts and acquittances therefor in due form of law, and to that end, with whomsoever it doth, shall, or may concern, to account, and to view, state, settle, and adjust, all and every account and accounts, and the balance or balances thereof to receive, and upon the recovery and receipt in the premises, in due form of law to execute and deliver requisite and sufficient receipts, releases, and acquittances. Also, if need be, to appear before all judges and justices, in any court or courts of law or equity, there to do, say, pursue, implead, arrest, attach, and prosecute, as occasion shall be or require. Also, to compound, compromise, conclude, and agree for the same by arbitration or otherwise, as my said attorney shall think fit and most beneficial, with power also an attorney or attorneys under him, for the purpose aforesaid, to make and substitute, and again at pleasure to revoke, and generally in and about the premises to do, execute, and perform, all and whatsoever shall be needful and requisite, as fully, absolutely, and effectually, to all intents and purposes, as if I, the said constituent, might or could do by being personally present, and to have done the same, hereby ratifying and confirming all and whatsoever my said attorney or his substitute or substitutes shall or may lawfully do or cause to be done by virtue hereof.

In witness whereof, I have hereunto set my hand and seal, the eighth day of April, in the year of our Lord one thousand eight hundred and thirty-three.

(Signed) ROBERT OLIVER, [L. S.]

Signed, sealed, and delivered,
in the presence of us,
R. M. GIBBES,
JAMES L. D. GILL.

Republica De Los Estados Unidos Mexicanos.

Carlos Tiernan, Vice consul de la Republica de los Estados Unidos Mexicanos, en Baltimore.

Certifico que la firma y sello que se ven en el anecso documento de Senor Juan Gill, Escribuno Publico de este Estado de Maryland, son los mismos que acostumbra usar en todos sus Escritos, é Instrumentos, y á que se da entera fe y, credito, tanto en *juicio comofuera de el* y para que conste doy esta, firmada de mimano y sellada con el sello del vice consulado de la Republica de los Estados Unidos Mexicanos en Baltimore á ocho de Abril mil ocho cientos.

[L. S.] CARLOS TIERNAN.

UNITED STATES OF AMERICA,
STATE DEPARTMENT.

To all to whom these presents shall come, greeting: I certify that the paper hereunto annexed is a true copy of a document presented to the Board of Commissioners on Claims against Mexico, in the case of Oliver and others, and now on file in this department, with other documents appertaining to cases adjudicated by said commission.

In testimony whereof, I, William L. Marcy, Secretary of State of the United States, have hereunto subscribed my name, and caused the seal of the Department of State to be affixed.

[SEAL.] Done at the City of Washington, this twenty-eighth day of September, A.D. 1855, and of the Independence of the United States of America the 80th.

W. L. MARCY.

Defendant's Exhibit, J. M. C. No. 14.

Letter from Robert Oliver to A. Butler, dated 8th April, 1833.

BALTIMORE, 8th April, 1833.

Sir: I have empowered the bearer, Mr. Abraham Miller, to endeavor to settle all the claims in which I am interested in Mexico, and I request you will deliver to him the papers left in your hands by Mr. John Mason belonging to me. I flatter myself, you will give Mr. Miller every assistance in your power, and have only to add that I am, very truly,

Your obedient servant,
ROBERT OLIVER.

UNITED STATES OF AMERICA,
DEPARTMENT OF STATE.

To all to whom these presents shall come, greeting: I certify that the annexed paper is a true copy of a document presented to the Board of Commissioners on Claims against Mexico, in the case of Oliver and others, and now on file in this department, with other documents appertaining to cases adjudicated by said commission.

In testimony whereof, I, William L. Marcy, Secretary of State of the United States, have hereunto subscribed my name, and caused the seal of the Department of State to be affixed.

[SEAL.] Done at the City of Washington, this twenty-second day of September, A. D. 1855, and of the Independence of the United States of America the 80th.

W. L. MARCY.

Defendant's Exhibit, J. M. C. No. 15.

Letter from Robert Oliver to A. Miller, dated 2d September, 1833.

BALTIMORE, 2d September, 1833.

ABRAHAM MILLER, Esq.,
Mexico.

Sir: I thank you for your letters of 5th, 24th, and 27th of July, which have just come to hand. I thank you for the settlement made with Messrs. Laguerenne and Bourdel. I leave it to you to remit me in such way as you may deem safest and most for my interest, the money you may receive on my account. I will procure the additional powers from Mr. Mason, if you think it necessary; in the meantime, I request you to push the claims on the Government, so soon as you think it can be done with advantage,

And remain, with regard,
Your most obed't serv't,
ROBERT OLIVER.

UNITED STATES OF AMERICA,
DEPARTMENT OF STATE.

To all to whom these presents shall come, greeting: I certify that the annexed paper is a true copy of a document presented to the Board of Commissioners on Claims against Mexico, in the case of Oliver and others, and now on file in this department, with other documents appertaining to cases adjudicated by said commission.

In testimony whereof, I, William L. Marcy, Secretary of State of the United States, have hereunto subscribed my name, and caused the seal of the Department of State to be affixed.

[SEAL.] Done at the City of Washington, this twenty-fourth day of September, A. D. 1855, and of the Independence of the United States of America the 80th.

W. L. MARCEY.

Defendant's Exhibit, J. M. C. No. 16.

Letter from Robert Oliver to Louis McLane,
dated 18th November, 1833.

(Received, Nov. 19.)

BALTIMORE, 18th Nov. 1833.

Dear Sir: I am informed that you are endeavoring to make a treaty with the Government of Mexico, and if so, I beg leave to remind you that we have claims on said Government, which should be embraced in the treaty.

I am, dear Sir,
Yours very truly,
ROBERT OLIVER.

To the Hon'bl Mr. McLANE,
&c. &c. &c.

UNITED STATES OF AMERICA,
DEPARTMENT OF STATE.

To all to whom these presents shall come, greeting: I certify that the paper hereunto annexed is a true copy of a document presented to the Board of Commissioners on Claims against Mexico, in the case of Oliver and others, and now on file in this department, with other documents appertaining to cases adjudicated by said commission.

In testimony whereof, I, William L. Marcy, Secretary of State of the United States, have hereunto subscribed my name, and caused the seal of the Department of State to be affixed.

[SEAL.] Done at the City of Washington, this twenty-eighth day of September, A.D. 1855, and of the Independence of the United States of America the 80th.

W. L. MARCY.

Defendant's Exhibit, J. M. C. No. 17.

Memorial of A. Miller to the Mexican Congress, 14th April, 1834.

To the Hon. the Congress of Mexico, &c.:

Abraham Miller, a citizen of the United States of America, and general agent for Robert Oliver, a merchant of Baltimore, in the said United States, begs leave with all due respect to present himself before your honorable body, and in that capacity to make known that, by a power of attorney regularly derived to the said Robert Oliver from the Mexican Company of Baltimore, which was formed in 1816 for the purpose of furnishing supplies to Gen. Xavier Mina, and by a full power from the said Robert Oliver to your petitioner, he is charged with the claim of the said Robert Oliver, in behalf of the said Mexican Company of Baltimore, on the Government of Mexico, for the amount of said supplies, as well as with all other claims of the said Robert Oliver on the Mexican Government.

Your petitioner has been in this city since the 19th of June last, but by reason of the disturbances which have unfortunately prevailed in the country, he has abstained from presenting his claims; preferring to await the return of tranquillity, which would give your honorable body more leisure to attend to the claims of our citizens. We now, in the name of Robert Oliver, representing the former Mexican Company of Baltimore, most respectfully solicit of your honorable body, that he may be permitted to present the documents in his possession to prove that the sums he now claims were advanced to the said Gen. Xavier Mina by the said Mexican Company of Baltimore, for the purpose of aiding in the emancipation of this country from the dominion of Spain; and that no part of the sums so advanced has ever been received by the Company, or recovered since.

Your petitioner, refraining from expatiating on the great and heroic exertions of the brave, but unfortunate Mina. The public honors bestowed on his memory sufficiently evince the gratitude of the nation for the services rendered by him and his brave army to the Republic; who, notwithstanding the lamentable result that attended their glorious exertions, had such a powerful influence in fostering the germs of revolution, and keeping alive the spirit of liberty and independence. The decree of the 28th of June, 1824, having declared to be debts against the nation, all such as were contracted for its service by the Generals declared, "Benemeritos de la Patria," and as this claim, besides other evidences, rests on the certificates and receipts signed by the well-known and proven hand of General Mina himself. Your petitioner earnestly intreats your honorable body that the subject may be taken into consideration, and such relief granted as the transcendent merits of the claim and the long delay of payment require.

He would respectfully suggest that it be referred to a committee, for the purpose of examining the claims of the said Robert Oliver, represented by your petitioner; with power to report a bill providing for the payment of, or funding such sums as may appear to be justly due, according to the provisions of the before recited decree of the 28th of June, 1824.

(Signed) ABRAHAM MILLER,
Attorney of Robert Oliver of Baltimore.

MEXICO, 14th April, 1834.

The reply of Congress to the foregoing petition is as follows:

"In the name of a Mexican Company of Baltimore, formed in the year 1816, he claims payment for supplies furnished to General Xavier Mina, to aid in procuring the independence of this country. The Committee of Petitions is of opinion that the petitioner ought to be referred to the resolution of the House of Representatives, of the 18th of February last, passed in consequence of a similar petition from the preceding attorney of the Mexican Company of Baltimore, Mr. John Mason."

(Signed) BERNEL,
(Signed) ARTILLEGO,
(Signed) VALLARBE.

MEXICO, 14th April, 1834.

The resolution referred to in the foregoing reply of the Committee of Petitions, and of which a copy was furnished, is in the following words:

"It is reserved to the Company represented Mr. John Mason, a citizen of the United States of the North, to prove the right they may have to claim from the public credit of the nation, when this shall be organized, liquidated, and classified; in which case he will then know the terms and mode in which he ought to assert his right."

United States of America, Department of State.

To all to whom these presents shall come, greeting:

I certify, that the annexed paper is a true copy of a document presented to the Board of Commissioners on Claims against Mexico, in the case of Oliver and others, and now on file in this department, appertaining to cases adjudicated by said commission.

In testimony whereof, I, William L. Marcy, Secretary of State of the United States, have hereunto subscribed my name, and caused the seal of the Department of State to be affixed.

[SEAL.] Done at the City of Washington this twenty-second day of September, A. D. 1855, and of the Independence of the United States of America, the 80th.

W. L. MARCY.

Defendant's Exhibit, J. M. C. No. 18.

Spanish argument of A. Miller in support of Oliver's claim before the Senate.

An Argument in support of Robert Oliver's claim on the Mexican Government for the expenses of Mina's expedition; relating likewise to A. L. Duncan's claim, prepared to be laid before the Senate, when it was expected the subject would come before that body.

Reflexiones.

Que hace á los Senores deputados y Senadores el ciudadano de los Estados Unidos del Norte, Abraham Miller, Como apodescado Roberto Oliver y A. L. Duncan, sobre el pago del las cautidades Ministradas al General Mina y á otros con el objeto de ausiliar la Independencia Mexicana.

La materia de que se va á tratar, no necesita comeuto alguno, es bien sabidos que las cautidades ministradas al benemerito ciudadano

general Javier Mina, por varios ciudadanos de Norte America con el objeto de arrancar de la tirania espanola esta hermana republica, han trenido resultados muy favorables a la emancipacion de Mexico de las cadinas ominosas en que estaba subyugardo — Cuando el péro de Peotillas se presentó á la ciudad de Baltimore Estados-Unidos de América se apresuraron algumos de sus ciudadanos a ponerlo con sus fortunas y bienes en una actilud respetable para hacer morder el polvo a las tiranos de la Ibaia que es clavizaban esta peomosa parte de la America, sin otro interés que el de verla independiente y Libre de las hordas barbaras y del dominio mas absoluto de Fernando VII. recibiendo despues las sumas erogadas en este patriotico asunto con los reditos correspondimentes y de estillo del gobirno constitiudo Mexicano. Los ardientes y favorosès descos que los Norte Americanos tenian en general para el bien écsito de esta emprisa gloriosa, Y, para ver rotas las cadenas de una esclavitua infame y de uno publo digno de la libertad por la cual combatra obligaron á muchos de estos virtuosos hombres á reunirse a los estandartes del inmortal Mina y sacrificad sus intenses y vidas para consequie esa libertad tan necesaria a una nacion ilustrada y virtuosa. Enpoco tiempo se ha visto formada uno brillante espedicion por los esfuerzos Verdadraminte patrioticos de los mencionados ciudadanos con el loable objeto de castigar d orgullo del tirano Espanole venciendo todos los obstaculos politicos que los embarjadores y agentes de Fernando pronian a su salida de un pais neutral y en paz con la Espana: todas las en trigas y puversas maguinaciones de aquellos ministros, esclavos de un vey tirano fueron Una tites; y la mencionada espedicion salio triumfante en buques bien armados y equipados Urando el anhelo de todos los libres de aquella parte de la America por su bien écsito: pero la desgracia quiso que una tempestad furiosa é imprevista á la cual estan es puetos los mas sabios y espertos marinos du mundo, separara los buques para buscar asilo en cualquin puerto salvando las vidas de tantos valicentas que no tenian otro objeto que la total destruccion de los tiranos. Despues de tantos tormentos y trabagos despues de tantos horroes y penas, cuya relacion séria muy larga y molestaria las atenciones de los dignos representates de esta nacion magnanima, se reunion dichos buques á la Bahia de Galveston incapaces de sequir su marcha gloriosa con motivo de las averias y pupidas que han sufrido en la fueria de la mar destructora. Las Esperanzas del benimerito General Mina, no fueron desvan e cidas.

Ecshausto de recursos para la recomposicion de su frequĕna flota, se determinó á pedir ausilio á los celosos habitantes de Nueva Orleans haciendoles una relacion esact a de la desgracia que la habia acaecido: no fue desoîda su peticion, allé en contró al insigne patuota al genuoso humano y sostenidor de la *de la* libertad Mexicana A. L. Dunan, conocido per los sacrificios que ha hecho en favor de la independencia de Mexico: aque hombre iluster puso en manos del valiente Mina, todos sus candales, hizo una compra de Muevos buques, reparó los que habian sufrido, anmeuto los fuerzas ficicas de la expedicion, y con su incomparíble energia y des vílos, habitó al digno caudillo de ella para u à Medir su comitarra con las lanzas desprisciables de los despotos del Neuvo Mundo. Pasaré en silencio el disembarcos de la valaroso division aquil enfatigable gefe á soto-la marina, que despues de tantos penas y tormentos teniendo for su lado la victoria protectora detan sagiada causa, se presento con la frente seuna á to dos los piligros que encontra para consequíe el enteresante objeto por que suspiraba cualo era la libertad saciosanta de los Mexicanos: hiro pues espuezos heroicas, habiendo tenido una parte muy activa en la independencia Mexicana, y hubinala concliudo el digno caudello de aquilla peguina division sin la disgracia que tuvo de can púsionero en las manos de los infames que decutaron a trozmente sue muerte, sufriendola de una manua tan peroica, que se debe ignoran los Mexicanos.

Voloamos de neuva a los servicios distinguidos hechos por el protector de la libertad Mexicana A. L. Duncan que resulto á seguin la marcha majestiosa que habia comenzado, sacrificó sus intueses y creditos para consguir su objeto.

Cuando se presento en la ciudad de Neuva Orleans el patriota ciudadano Jose Manuel Herera como ministro Mexicano cuca de los Estados-Unidos de Norte, con podu amplio del Congreso de peniaran, para consequír armas, municiones buques y todo lo que fuese necesario á los infatigables Mexicanos para abatir á los tiranos, aquil virtuoso Duncan Olvidandose de los debaes conque estaba ligado á una numerosa familia, no siendo su ecucera la del comercio, sino un abozado emineute en su pais y de bastante fortuna y credîto, sacrifico todos sus bienes habititando al S'r Herera con todo la necesario para este pecto; pronto se vierron buques armados y cargados de fusiles, plomo, espadas, poloora, y en fin, todo lo que se necesitaba para hacco una guerra larga, disembarcados á Boquilla de Piedra y otros puntos del golfo Mexicano y puestos á disposicion del Escmo S'r General D. Guadalupe victoria se han impiso estractos de algunas certificaciones interasantes que prueban to do lo relacionado y ecsite actualmente un cuarderno en la mesa de la comision respectiva en que se poetían imponor los respitable representantes de esta nacion de las demas circunstancias. Con el grande objeto de poner un termino á la esclavitud bajo la cual gemian los Mexicanos, Sin cuyos ausilios pecuentes, no hubina podiado adelanlarse en aquel tiempo la causa dolos patriotas con el ecsito favorable que se descaba. Relacionado pues el merito contraido por dicho S'r Duncan por los interesantes servicios que ha pustado á los dignos Mexicanos. Sin haber recibido las cantidades erogadas a tan sagrada causa á pesar de haber representado varias ocasiones a los poderes competentes per medio de diferentes apodenados embiodos por el á esta capital con solo este objeto: y á pesar tambino del decreto sobuano de 1824 que declara reconocidas como nacionales to das las dendas contraidas por los generales que el sobuno Congreso Mexicana ha del declarado benemèrito de la patria, es necesario, proner en al alto conocimiento de los dignos representantes de esta magnanima nacion, que las dendas que reclama el apoderado actual del mencionado Duncan, y de la campania de la ciudao de Baltimore, jamas han sido enagenadas ó venoidas por unvil frucio, como hiciuon muchos de los que hurtaron, frequenos servicios a la independencia de Mexico, pues sienipu han tenido una confianza ciega en la magnanidao de los ilustres representantes de esta nacion, para conseguin el pago de unas cantidadas ten justa mente reclamadas de las cuales se han privado mas de diez y siete anos, con los reditos ó intueses que generalmente son de estilo en los Estados-Unidos del Norte:

Nuncia han dudado que tomando en consieracion estas Augustas Camaras el importante asuerto de que se trata y frenctradas del duecha que tienan a dichos reclamos, se dignen ordenar la justicia que les corresponda sobriesta maturia asigurandoles que el apoderado de estos reclamos Wego á estaciudad fedual desde Junio del ano hasado, y habriendo sido testigo de las discenciones politicas que entónces ecsistian en el pais, no quiso molestar con este asumto á las camaras, pufirum espuar la paz y la tranquilidad que ecsisten actualmente paia con el sosiego necesario resolva sobre este asumto tan importante, y concluye suplicando a los dignos representantes del pueblo se dignon decretar que los referidos reclamos tengan su lugar en la prinerva clase de los del credito publico.

Estractos No. 1.

"Certifico: en el modo que me corresponde y coresta que hallandome en Puruaran con el soberano Congreso Mexicano en union de su gobrieno y generalisimo D. José Maria Morelos se comisionó al pusbituo D. Jose Manuel Herrera para que á nombre de la nacion Mexicana pasa se a los Estados-Unidos del Norte en calidad de ministro á tratar de neustra union con dichos estados, por proporcionon: los aucilios convenientes para neustra independencia y libertad, comprar armas, putuchos y cruanto mas se le pidiese para nuestro ejucito: proporicionando al mismo tiempo las fuerzas y aucsilios maretimos de nuestras costas para lo que Uevo en blanco patentes de corso que en efecto las benefició y *y* distribuyo y se verificio que dar nuestras, costas guarnicidas de corasarios, y siendo necesario para los referidos gastos mayores contidades que las que produpron dichas patentes que tomase á primio las que se necesitasen segun las facultades que se le habrandado bajo las respons abilidad de las rentas ó fondas de nuestra nacion. Por lo que considero de rigorosa justicia, que cuanto se acredito haber minestrado al espusado ministero D. José Manuel de Herera para El complimiento de su comision debe pagar la nacion Mexicana. Del misma modo tengo entendido que Abner L. Duncan por su adhesion á nuestra causa protegio y servio en favor de ella al espresado ministro D. Jose Manual Herera con cantidades que ignoro las que sean nibajo que premio—Mexico 7-enero de 1824. Antonio de Sesma."

No. 2.

"Espúblico y notorio entu los antiguos patriotas que el primer Congreso nacional onstalado in Chiépanzingo me nombrá en 1815 inviado estraordinario y ministro plenopotenciaria cerca de la republica de los Estados-Unidos del Norte América. Veven tados á casé todos los individuos que componian en tonces Esta Suprema Corporacion y ellos testificaron que me espidiceon en toda forma las credenciales correspondimentes. Se me dieron instruciones y se me confraron facultades amplisimas para solicitar y negocian soccoras ya fuesa de aquie gobierno ó brien de particulares y fuera de dichos estados En dinero, armas municiones, vistuarios, tropas, buques, y cuanto pudiese conducir para el logro de nuestra independencia. Asifué que en Neuva Orleans muicila mejor acogida, y Uequé á conseguir pustamos efectivos de los amigos de la libertad de Mexico, en cuyo numero debo contar al Senor A. L. Duncan como uno de los mas decididos y' que mas nos ayudaron ; no sola monte fomentande la opinion en favor de nuestra insurreccion, sino franquecendo por sé mismo y esitando á otros para que franqueasen los ausilios que estuviesen en su posebilidad.

"Pero debo confesar en honor de la vudad y de la justicia, que el S'r Duncan no me abandonó jamas ; que sumper estuvo ocupado del empeno de ausiliar nuestra independencia, y que en obsequio de ella empleo su canetál, sus creditos y sus conecsion. Debro confesar tambien que tuvo razon bastante para que mis contratestar sus pendieson los efectos de nuestros convinios ; lo cual hace mas recomendable la constancia del Senor Duncan, que á pesar de los tras tovnas de nuestro, se prestó á servinos hasta donde alcanzaron sus facultades. Penetrado de Estos como ce mientos, nada me habina sido mas satisfactorio que enfluir en que se paga se al Sénor Duncan la denda que reclama en el acto mismo que se presentó en Esta capital su apoderado D. Felix de Armas hero nadie ignora que cualquiera que hubîese sido mè valimiento con el gobierno on el ano de 1822 hasta febrero de 823, en que me sepaci del ministerio de relaciones que estuvo a mè cargo, nuncia me halria sido dado facilitar el pago de una enorma cantidad que debió salir de las cajas de la nacion que como todos sabin se hallaban ecsaustas no contandose en ellas confondos, ni para cubien los gastos mas husicos y eqecutivas."

JOSE MANUEL DE HERERA.

MEXICO, 29 de Marzo de 1826.

No. 3.

“ Certifico; El S'r Abner L. Duncan abogado respectable de Nueva-Orleans ha sido siempu un subjeto amantesimo de la independencia de nuestia patria y a un de todas las Americas a la cual ha coadjuvado con su influjo y se dinero; lo que estan Notorio allé que todo Americano que llegaba á Nueva-Orleans en solicitua de ausileos para procurar la independencia especialmente do Mexico le duigian al S'r Duncan yo llegué allá in el ano de 1816, de paro para Galveston en bresca du General Xavier Mina que acababa de llegar á aquella Isla; y sabiendo la necesidad en que se hallaba la espedicion que conducia, hablé al S'r D. A. Smith mi antiguo amigo, y este aviso al S'r Duncan quien reuniá varias comerciantes, perora en favor de la independencia Mexicana con el mismo entusiasmo que hudiera un patricio, y se suscre buron inmedia tamcute para coopera al buer écseto de la espedicion de Mina con once ó doce mie pesos, sin otro garante que mi firma y la de mi secretario capitan yhary á nombre del general, y sin limitaese á solo este dinero, pues pro metieron dar mas para reclutar soldados. El S'r Duncan, fuera de estos nigoció quiniontos soldados, mas que ofricio un Mayor su Amigo, y consiguió del almirante de Cartagena de Indias que nos ausiliase con su escuadea surta alle de guerra. Y aunque por varios accidentes ocurridos a Mina no se verificó to do la dicho, es ciento que se recibieron por nuestra parte los once ó dose mie pesos susodichos, y con ellos se compiaron los dos breques en que Mina transportó su espedicion de Galveston á soto la-marina, de los erales uno fue mandado echar á pique por Mina, utilizando los canones y el octeo nos los coquinon y quimaron los Espanoles.”

DR. SERVANDO TERESA DE MIER.

Mexico, enero 9 de 1824.

No. 4.

Guadalupe Victoria, como comandante general de las armas de Vera Cruz, en la primora epoca de la revolucion, certifico; que en el ano de 1815, llegó a la costa du mismo Estado la goleta Americana Petil-Milan de la propriedad del S'r Abner L. Duncan, procedente de Neuva-Orleans con cargamento de fusiles, espedas, polvoria y plomo, para vender a los patriotas Mejicanos, cuyo cargamento, se puso bajo la responsebilidad del Senor D. J. M. Herrera y es quien pasó ami produ al embarcaise en dicha goleta cucurdo volvèó a Neuva Orleans; que en mayo de 1816, D. Juan Galvan, condujo en el brigantin General Jackson mas fusiles pólvoriá, plomo y otros putrechos de guerra envados por el cenclaadano Herrera, y intregados á mi disposicion al comandante de Boquilla de Piedra.

Que cuando la toma de este punto por los enemigos, solo puedo ministrar á G. L. B. Duplessis segun las apuradas circumstancias en que me hallaba de numerario una pequena cantidad que fuí lo unico

que salvo con su presona. Que el jovin Americano, S. D. Nicholson, Sobreno de Senor Duncan, vino de Neuva Orleans a cobrar una leta girada por el Senor Herrera; Y. Sufrio la disgracia de haber sido purso y fusilado por nos realistas. En fin, por varios informes supe que el Senor Duncan fuí en Amigo decidido de la libertad de Mexico y que favorició con su el inero é influjo á merchos de los Mexicanos estuvieron en Neuva-Orleans en aquella eproca.

MEXICO, 20 de Abril, 1826.

GUADALUPE VICTORIA, MEXICO.

Impuso por Juan Ojeda, Punte d Palacio y Flamuncos mismero.

United States of America, Department of State.

To all to whom these presents shall come, greeting:

I certify that *that* the annexed paper is a true copy of a document presented to the Board Commissioners on Claims against Mexico, in the case of Oliver and others, and now on file in this department with other documents, appertaining to cases adjudicated by said commission.

In testimony whereof, I, William L. Marcy, Secretary of State of the United States, have hereunto subscribed my name, and caused the seal of the Department of State to be affixed.

[SEAL.] Done at the City of Washington this twenty-fourth day of September, A.D. 1855, and of the Independence of the United States of America the 80th.

W. L. MARCY.

Defendant's Exhibit, J. M. C. No. 19.

Memorial in behalf of the estate of Robert Oliver, deceased, and sundry persons, owners of a claim on the Mexican Government, addressed to the Board of Commissioners, &c. &c. &c., in English and Spanish.

To the honorable the Board of Commissioners under the Convention of the 11th of April, 1839, between the United States of America and the Mexican Republic:

The memorial of John Mason, Jr., and Abraham Miller, both citizens of the United States, in behalf of the estate of Robert Oliver, late of the City of Baltimore, deceased, and sundry individuals and firms in said City, owners of a claim on the Government of Mexico, for the outfit and expenses of an expedition, in 1816, under the command of General Francisco Xavier Mina, respectfully represents,

That your memoralists are authorized by the owners of the aforesaid claims, citizens of the United States, to lay the same before your honorable body. In so doing they beg leave to present the following statement of facts, as appearing from the documents in your possession, with such remarks as obviously present themselves and tend to elucidate the subject.

In the year 1816 General Xavier Mina arrived in Baltimore from England, bringing a letter of introduction from General Winfield Scott, of the United States Army, then in England, to Dennis A. Smith, a merchant of that city. In company with General Mina came a Mexican Priest, by the name of Servando Teresa de Mier, an agent from the revolutionary Congress of Mexico, sent to Europe to procure succors of various kinds for the revolution then going on, and who had prevailed on General Mina to espouse the cause of Independence. Certain it is, that the views of the General were directed to that object—the emancipation of Mexico from the dominion of Spain; and, with this design, he brought with him a number of gentlemen of education and talents, of various nations, to serve as officers in an expedition he contemplated fitting out from the United States for the coast of Mexico. The fame of General Mina had already reached our shores from his great gallantry in the wars of the Peninsula against the French, and he met with a good reception from the warm-hearted Smith, who introduced him to all the principal and most influential citizens of Baltimore. His object soon found favor with them, notwithstanding its gigantic nature—being nothing less than giving freedom to an empire; for the feeble efforts of the revolutionists gave but slender hopes of success, if left to their own resources.

And such was the opinion entertained by Smith and his friends, of the bravery and skill of Mina, and of his ability to conduct the revolution to a successful issue, if he could gain a footing in the country, that they did not hesitate to offer him their assistance; but the expense would be great to furnish means adequate to such an object. Besides, they would have other difficulties to contend with, by reason of their being deprived of the countenance and open protection of their own Government, which had its neutral relations to maintain, and they having to encounter the hostility of the Spanish Minister to their designs. But the presence and ardor of the youthful hero and his officers, added to the generous devotion of Smith and his friends to the cause of Mexican Independence, overcame every obstacle, and it was resolved to proceed.

To find the means was a difficult matter, as the war with Great Britain, from which the nation had lately emerged, and the subscription to the stock of the Bank of the United States, had much impaired the pecuniary resources of the merchants.

It was, therefore, resolved to form a company, and thus lessen the amount to be contributed by each. An association for the purpose accordingly took place, by the style of the "Mexican Company of Baltimore," composed originally of ten individuals, or firms; but some few changes in the members were afterwards made. Accordingly, a brig, called the Calypso, was fitted out for the purpose of carrying the General. This brig was accompanied by a ship called the Caledonia (same in which he and his officers came from England), and a schooner called the Felix Cubana. On board the Calypso was shipped a cargo amounting to $124,243 66; and the outfits of the ship and schooner, together with the moneys advanced at different times and places to General Mina, amounted to $36,320 06 more. Some bills came in after the accounts were made up, and the vessels had sailed, amounting to $2519 86; which, although not signed or certified by the General, we have included in the accounts, as having been furnished for the expedition.

Dennis A. Smith, besides his interest (two-ninths) in the Company, contributed to the expedition from his own means, which were more considerable. Accordingly, for many years he preferred a separate account to the Mexican Government of what he had himself advanced. This account, which was known as Dennis A. Smith's claim, amounted to $84,230 72, and was composed of the cost and outfit of the brig Calypso $50,000, and money, and various articles for the use of the expedition, $34,230 72. But on the 30th day of January, 1826, he assigned to Robert Oliver all his interest in the above claim; as all the members of the Company had already, by power of attorney, dated the 22d day of March, 1825, constituted Robert Oliver their attorney, with full powers to recover the claim from the Mexican Government, the two claims having, since the assignment by Dennis A. Smith, been merged in one, known by the name of "Robert Oliver's claim."

The expedition, after leaving Baltimore, took the direction of Port au Prince in the Island of St. Domingo, where it was to receive an augmentation and better organization before proceeding to the place of its destination; for the laws of the United States forbade that *that* it should take place to its full extent in Baltimore. Before leaving Baltimore, the General despatched Santa Maria and Montilla (two young officers who came with him from England, and who have since distinguished themselves) on a secret mission to Jamaica and the Windward Islands, with directions to join him at Port au Prince.

But a variety of accidents prevented them from executing their commission in time to meet him there. This the General regretted very much, as it deranged his plans; and he had not heard from them when he left that place. Their business appears to have been to obtain succors of various kinds for the expedition. They wrote from Jamaica on the 28th of November, to Dennis A. Smith, that the British Admiral on that station had promised Santa Maria that the first vessel of war that should arrive, should be placed at his disposition. From this it would appear that the expedition had the sanction of the British Government. They say in the same letter that Montilla would soon join him (Mina) with a number of officers from the Spanish main, of the first families, and of known valor and good conduct; among them, a gentleman who had distinguished himself in the revolution in Colombia, and who had attracted the attention of the British Government.

Being deprived of the services of these two valuable officers, instead of obtaining an accession of new ones from Colombia, who could speak the language of Mexico, and supply the place of unworthy officers that he had to discharge; and having experienced a gale of wind in port, which did him much damage, and detained him twelve days, he set sail from Port au Prince about the last of October, 1816. He touched at the Balize, in Louisiana, for news; and had the misfortune to get both the ship and the brig aground on the bar. After getting off with some damage to the Calypso, he continued on his course for Matagorda, in the province of Texas. This port was supposed to be the rendezvous of Commodore Aury, who with a squadron of privateers with commissions from the Government of Colombia, was depredating on the Spanish commerce, and who was therefore in some measure engaged in the same cause with the revolutionary party in Mexico. But it so happened that Aury had removed his naval station from Matagorda to Galveston, as being a better harbor; so that Mina, after looking into Matagorda Bay, and finding it deserted, steered for Galveston, on the same coast of Texas, where he arrived on the 25th of November. Here he found Aury, who had been lately appointed civil and military commandant of the place by a General Herrera, that had been sent by the revolutionary Congress of Mexico to solicit succors from the Government of the United States. Failing in accomplishing this, Herrera remained at New Orleans as an agent of his Government, and countenanced the establishment of Aury at Galveston, since it favored his views, by affording an independent port on the Gulf, and one in the road of vessels carrying supplies from the friends of Mexican independence in New Orleans, to the revolutionary chiefs on the coast.

This place having become the resort of privateers and their prizes, as well as of persons going there to trade with some settlers already there, a colony was formed of it by Herrera, who placed Aury at the head. Mina's object in visiting Aury (and it was part of his plan), was to obtain his co-operation in the meditated attack on Pensacola, then belonging to the Spaniards, to the capture of which place he attached much importance, as affording him a good port on the Gulf from whence to carry on his operations in favor of Mexican independence. For he says, that although his designs were made too public at New Orleans, and although he had not been joined by the men and officers, he expected to receive from Colonel Montilla, yet he would have undertaken it (the capture of Pensacola), if he had received the necessary assistance from Commodore Aury. But this the Commodore refused him; fearing, as the General says, to lose his power and influence, should another and better port on the Gulf be obtained, and Galveston be abandoned.

Moreover, Aury's force had been weakened by an insurrection among the people of color, who had run away with three privateers; which might have been a sufficient reason for not affording his aid to the enterprise.

Mina here learned with pain that Doctor Mier and Colonel Yhay, whom he had despatched from Baltimore to Matagorda to apprise Aury of his intentions, had not been heard from. They afterwards were found at New Orleans. Having abandoned his designs on Pensacola, and contenting himself with the independent port of Galveston, where he might organize his expedition without infringing the neutral rights of other nations, the General now resolved, notwithstanding all his disappointments, to proceed with his grand design. Accordingly, he despatched the Calypso to New Orleans to be repaired (for she had lost her false keel at the Balize), with *with* orders to Captain Boyle to pay off the crew, except such as were willing to enter into the service of the Mexican Republic, and to recruit more sailors. When the brig was repaired, she was transferred, by a bill of sale, from Captain Boyle to a Captain Carson, who was to be her military commander, and who gave an instrument of writing, dated Balize, 5th of February, 1817, saying the transfer of the brig to him was for the use of General Mina, and that no part of the purchase-money had been paid to Captain Boyle, but was still due to the owners. Volunteers of all nations, but particularly Americans, repaired to Galveston from New Orleans, on the invitation of the General, who now resolved to increase his force by troops of every discription, instead of taking only officers; for he knew that, from the great publicity given to the expedition, the enemy were prepared to expect him, and that to penetrate into the interior from the coast, would now be a work of hazard, even with a considerable number of troops. The expedition had now assumed its real character.

It was decidedly military, and, moreover, Mexican; for everything was done in the name of the Mexican Republic, and it was to proceed from a Mexican port.

Captain Boyle, as agent for the Mexican Company of Baltimore, having delivered the cargo of the brig Calypso to General Mina at Galveston (instead of Matagorda), for which, agreeably to his instructions, he took his receipt; and having, as agent for Dennis A. Smith, delivered the brig herself to Captain Carson at the Balize, as we have shown, returned with his American papers to New Orleans, where he had already paid off the old crew of the brig. The recruiting now went on with activity. Transports were provided for the additional troops; and the General sailed from Galveston with a well-organized force of about 500 men. But when the fleet approached the coast of Mexico, a frightful storm overtook it, which obliged the General to put back to Galveston. The damages, which were very great, were repaired, with the aid of the friends of the Mexican cause in New Orleans, and the fleet put to sea again.

Here the documents fail us; and if we may be permitted to trespass on the time of your honorable body by carrying on the narrative to the melancholy catastrophe which terminated the career of this extraordinary man, we would respectfully appeal to "Robinson's Memoirs of the Mexican Revolution," for the facts. As the few places on the coast that had been in possession of the patriots had lately fallen again into the hands of the royalists, Mina steered for an obscure place called Soto la Marina, at the mouth of the River Santander, in the province of the same name. Here he made good his landing on the 15th of April, 1817; and as he had brought with him a large quantity of military stores, the greater part of which it would be necessary to leave on the coast, he immediately set about erecting a fortification for their protection. Attaching much importance to their preservation, he determined to devote all the time allowed him by the enemy, of rendering the fort as strong as possible. In this work, with occasional incursions in the neighborhood, and skirmishes to try the valor of his troops, Mina was employed until the 24th May: the royal commander of the district having taken all this time to prepare a force intended for his destruction. In the meantime, Mina had the mortification to find his little army weakened by the defection of a colonel with fifty men, who left the service to return to the United States through Texas. Finding that an overwhelming force was fast approaching, he placed in the fort detachments from his best troops of every description, to the number of one hundred and thirty-five men, under the command of a brave officer, with orders to defend it to the last extremity, as he calculated to return to its relief, and then prepared to take the field. Having mounted his troops, which consisted of little more than three hundred men, he eluded the vigilance of the enemy, and by a forced march, gained their rear. The royal commander then, with the main body of his army, invested the fort, which he supposed to contain the strength of the division that had landed, and sent a detachment in pursuit of those he considered fugitives. With this detachment, and the troops he met on his route, Mina was now able to cope, and therefore never declined a battle; although his object then was not so much to fight as to gain the interior, and there unite his force with the patriot forces there embodied.

His march, therefore, although a hurried one, was a series of triumphs in numerous combats with superior forces, in which the little band displayed prodigies of valor; the General justifying all that fame had reported of him, while his troops, by their bravery and courage, excited the astonishment and admiration of their General. After beating various divisions of the enemy, he was at last overtaken by a vast body of them, and had to fight one of the most extraordinary battles on record, and which is barely rescued from oblivion by the rare and valuable work we have mentioned. He halted on the plains of Peostillos, and faced about to meet the foe.

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Then, by his masterly skill and generalship, aided by the undaunted bravery of his troops, he routed and put to flight the whole body of the enemy, consisting of more than seventeen hundred men, one half of whom were cavalry, with a reserve of three hundred; while the whole number in action on his side, was only one hundred and seventy-two men.

The hero of Peostillos (for this title he merited and afterwards obtained), was no more molested, but continued on his journey until he reached the head-quarters of the patriots at Fort Sombrero, in the province of Guanaxerato. His arrival was unexpected, and although he had now penetrated regions where the fame of his actions in Spain had not reached, yet the fame of his recent exploits, which came with him, immediately raised him to the chief command. The concentration of the royal forces in his neighborhood from every quarter, gave Mina frequent opportunities to measure his strength with the enemy in repeated actions, and always with the same success. Thus far, everything had prospered with him since his landing. He had travelled six hundred and sixty miles into the interior, "through a country occupied by the royalists in every part of the route." He had reached the strongholds of the patriots, where a respectable force of the friends of independence only wanted a leader worthy of the cause. He was invested with the chief command, and had already struck such terror into the viceroy, that he trembled on his throne, more especially when he knew that his European regiments were strongly suspected of disaffection to the royal cause. In fine, the accomplishment of his most ardent wishes, the emancipation of Mexico by his own hand, was looked for with confidence.

But Providence decreed otherwise, and that the career of this extraordinary man should be closed in the midst of these bright prospects. Mina, having separated himself from his troops, and taking with him only a small escort, made an excursion on business in a direction remote from the places occupied by the enemy. He stopped to pass the night at the plantation of a friend, and thinking himself secure from danger, for the first time in the campaign left his escort and slept in the house, while they were encamped a short distance off. The enemy were informed by a priest, whom the detachment met on its march, of the supposed destination of Mina, and marching all night, surprised and cut to pieces the guard at daylight, and made the General prisoner, without the possibility of his making resistance.

As soon as the news of his capture reached the Viceroy, he gave orders for his immediate execution. When this order was communicated to Mina, he received it without any visible emotion. He regretted not having landed in *in* Mexico one year sooner, when his services would, as he thought, have been more effective; and he regretted quitting life before the generous individuals who had contributed to the glorious enterprise were repaid the sums they had advanced for the cause of Mexican independence. On the 11th Nov., 1817, he was conducted to the fatal ground; and that spirit fled from earth which for all the qualities that constituted the hero and the patriot, seemed to have been born for the good of mankind.

Disorder and confusion now took place among the patriots after the death of Mina. But an unconquerable spirit of hostility to the Spanish Government still animated certain patriot chiefs, and a large portion of the inhabitants of those intendances. The *the* war was therefore carried on with desperate valor for some time; but the want of a leader, and the jealousy of rival chieftains (which Mina had likewise to encounter), produced the most calamitous consequences. The remains of Mina's little army took a part in these conflicts, until they were reduced to nine officers and four soldiers. Some of these officers then retired to the mountains of the Misbica and of Acapulco, and there joined the brave Guerrero, maintained the unequal conflict against the royal authority, and frequently obtained victories. The Guto of Iguala by Augustin Iturbide, in their neighborhood, called them from their fastnesses in the mountains to witness the glorious revolution their chief had laid down his life in attempting to accomplish. One of those officers on that occasion rendered such important services to the cause, at a critical moment of the revolution, as to meet and obtain from Iturbide his unbounded gratitude, and the highest honors it was in his power to bestow.

We have thought we might presume on the indulgence of your honorable body, while we gave a rapid sketch of an expedition, which for boldness of design, indefatigable perseverance under complicated difficulties, and bravery in the execution, has no parallel in modern times. It reminds us of the days of Cortes and Pizarro, when Spanish chivalry was in the ascendant. Like the expedition of Cortes, the means appeared to be wholly disproportioned to the object; but with this difference in favor of Mina—that with inferior means, he invaded the same country, now inhabited by a civilized people, possessing the implements of modern warfare, in the hands of regular and disciplined troops, and gained over them signal victories. But we may well be excused for expatiating on the great achievements of this illustrious man, since the Mexican nation has done such ample justice to his memory. Although his remains still lie (for aught we know to the contrary) beneath the cold sod at the place where he was shot, he lives embalmed in the hearts of a grateful people, for whose liberties he was ready to offer up his life a willing sacrifice. He is ranked among the illustrious native chiefs who lost their lives in the same cause, and some of them in a similar manner. His name is enrolled among those thirteen, who, by a decree of the Congress of Mexico, of the 19th July, 1823, were declared "benemeritos de la patria" in the heroic grade; and it is found likewise among the twelve of those "benemeritos" whose names, in large letters of gold, adorn the semicircular part of the hall of the House of Representatives, in Mexico, in fulfilment of the last article of the above-mentioned decree. His image, as large as life, appears on the flags displayed on political festivals.

Such is the man whom the Mexican Company of Baltimore feel proud of having patronized. No other could have obtained from them a cent for such an undertaking. The event proved that they were not mistaken. He achieved all that mortal man could perform; he could not control fate. He lost his life before accomplishing the object for which he fought, as did all those whose names are associated with his in reaping the honors due to their memories. Few of those great chiefs whose names are thus immortalized, died on the field of battle. The greater part of them were taken by surprise or stratagem, and put to death; but their services were not, on that account, reckoned less meritorious.

To General Mina, the Mexican Company of Baltimore contributed cheerfully from their small means; for capital was more scarce at that period than now, and peculiarly so from the causes we have mentioned. But these sums were loans, to be reimbursed by a grateful people, when it should recover its liberties. It was even expected that something would have been received at Matagorda, or on the coast, when the landing was made good, to enable the Company to continue its supplies; and the affidavit of Santa Maria alluded to a negotiation in which he was agent (and with which his secret mission to Jamaica was no doubt connected) for obtaining from the friends of the cause in Vera Cruz money to pay for the arms at New Orleans, and no doubt to meet in part his obligations to D. A. Smith, and the Mexican Company of Baltimore, payable at Matagorda. But nothing was ever received, as it will abundantly appear from the evidence in the possession of your honorable body.

The historian to whom we have alluded thinks there was a want of liberality in the mercantile world towards Mina; the support he received being from a few generous individuals. So much greater, then was the merit of those individuals who embarked their means in so hazardous an undertaking.

Mina thought so himself. All his letters breathed the warmest sentiments of gratitude and of respect for those individuals represented by D. A. Smith, with whom he corresponded; and his last moments were embittered with the reflection that he had to die before they were repaid the sums advanced for the noble cause in which he perished.

Will a generous nation refuse to ratify his last wishes? The nation has never so refused. On the contrary, the justice and sacred nature of the debt has been admitted by the different administrations to which it has been presented. It was provided for in a project of a law, introduced in 1834, for taking the property of the convents and monasteries to pay the debts of the nation; and one of your memorialists, then an agent for this claim in Mexico, was referred by the committee of petitions of the honorable Congress, to this law (then under discussion), when it should be passed, for payment. But a change in the Government prevented its passage. Besides the distinguished honors accorded to the memory of Mina, which on the principles of equity ought to entitle to indemnification those who furnished the means by which those honors were won, your memorialists would most respectfully refer your honorable body to the 2d article of the decree of the Congress of Mexico, of the 28th June, 1824, as conveying the sense of that body, and of the nation, in regard to the claims of this nature. It recognizes as good against the nation all debts which may be proven to have been contracted for its service by generals declared "benemeritos de la patria." The proof that the debt we now claim payment of comes within this decree, is now before your honorable body in the documents submitted; and your memorialists beg leave to present the accompanying detailed statement of the account. It comprises the sums mentioned at the 4th page of this memorial, amounting in the aggregate to $244,794 44, and on which, we claim moreover, interest at the rate of 6 per cent. per annum from the 15th day of April, 1817, when the expedition landed at Solo de Marina. In laying the above claim before your honorable body, your memorialists would but imperfectly perform their duty, if they omitted to add their solemn conviction that Dennis A. Smith and the Mexican Company of Baltimore, although expecting repayment, and to be indemnified for the risk, by the mercantile profit stipulated for in their contracts with Mina, yet that those gentlemen were actuated, in all they did, by the highest and most noble motives. They had caught the enthusiasm which then prevailed among the citizens of the United States in favor of a people struggling for their liberties, and which the presence of the youthful hero and his officers was calculated to raise to the highest pitch; and they did not hesitate to contribute their mite towards emancipating the fairest portion of America from the thraldom in which it had been bound for ages.

Such an enthusiasm Mina did not find, neither could he enkindle in England, that country abounding in patriots, philanthropists, and men of capital. The most he could obtain was a ship to transport himself and his retinue to the United States; but he brought neither men, money, nor arms.

The only bill he drew on England (for £500 sterling, see account) came back protested, and was paid by D. A. Smith. The ship he came in (The Caledonia) being a British vessel, gave him much trouble at Baltimore, when the expedition was about sailing, by reason of the interference of the British Consul, in co-operation with the Spanish Minister.

She was fitted out by the Company, as it will appear from the accounts, and accompanied him as a transport to Port au Prince and

Galveston, where she was delivered up, by agreement with the owners, to the Captain, who returned with her to England. The bad success of Mina in England may be accounted for by their remoteness from the scene of action, and the want of correct information as to the progress of the revolution in Mexico; for these same men, or their countrymen, could contribute immense sums of money to aid the Colombians, engaged in a similar cause, when once the way was opened by such gallant spirits as Mina, and they saw a prospect of reimbursement. And they were reimbursed by the new Government when their independence was acknowledged. It was reserved for citizens of the United States to take the lead in everything relating to Mexican Independence. The case is now before your honorable body, and whatever may be the decision of the Board, your memorialists will bow with deference to the award.

But in any event, the surviving members of the Mexican Company of Baltimore can never be deprived of the proud consciousness of having contributed to the glorious revolution which was consummated three years afterwards; and the future historian, in tracing effects to their remote causes, and the rise of the Mexican nation from a colonial state to independence and opulence, will not fail to do justice to those public spirited individuals in Baltimore who were willing to contribute their means and incur such risks for the happiness of a neighboring people.

And if the exploits of General Mina and his brave little army are destined to imperishable renown (as we think they are), scarcely less celebrated, in future history, will be the names of Dennis A. Smith and the members of the Mexican Company of Baltimore, who furnished the means by which those great deeds were achieved.

In thus introducing our claim to the notice of your honorable body, your memorialists have thought that it might conduce to a more clear understanding of the whole merits of the case, to commence with the circumstances which gave rise to it, then to continue the narrative to the death of General Mina, and even to the declaration of independence by the Grito of Iguala, which took place a few years afterwards.

They have alluded to the action of the Mexican Congress in awarding honors to his memory, as evincing the high sense entertained by that Congress and the nation of the services rendered to the cause of independence, and the gratitude felt for those services. At the same time, it is evident that it was principally in a moral point of view, that those services were most beneficial; for, like the other chiefs of the "heroic grade," Mina died before attaining the object for which he fought. Yet the sublime spectacle of a General from the land of their oppressors, coming from three thousand miles across the ocean, with an army raised among a people—neighbors to them, but of whom they had scarcely heard,—to aid them in their struggle for liberty, was calculated to arouse all the energies of their nature, and no doubt give a new character to the revolution.

The patriots now found, that they had attracted the notice of the world, and enjoyed its sympathies. They were no longer cut off from the rest of mankind, but recognized and cheered on to noble deeds of daring and valor in the sacred cause of liberty, by those who had themselves enjoyed that freedom to which they aspired. Hence the seeds of revolution and civil liberty were sown far and wide.

The few arguments we have used thus far, have been deduced from those moral and equitable which lie at the foundation of all justice, and ought to influence Governments in their transactions as well with foreigners as with their own citizens. So far those arguments have been rather appeals to the generosity and magnanimity of the Mexican Government, than to the justice of your honorable body; being such as have been or might have been used by agents in Mexico, to obtain payment of the claim from that Government, and which would no doubt have been effectual, but for the civil wars which unfortunately occurred at the different periods when the agents presented themselves. Here we might almost venture to rest our cause; for the principles of equity ought to govern in every award, and they moreover constitute one of the grounds of decision of your honorable body, as recognized by the Convention under which you act.

But as it will be required of us, in the discharge of our duty, that we should adduce the arguments and proofs, on which we would rely in a controverted case, we beg leave to state to your honorable body the legal points, which would, in our opinion, sustain us in our demands.

This claim was brought repeatedly to the notice of our Government, and it is included in the list of "unsatisfied claims" on the Mexican Government, laid before the Congress of the United States on the 6th of February, 1837 (see House Doc. No. 139, 24th Congress, 2d Session, last article). It has been twice specially recommended to the attention of Mr. Butler, our chargé d'affaires in Mexico, by the State Department. It is to be found in an accompaniment to a communication from F. P. Martinez, Minister Plenipotentiary of Mexico, to John Forsyth, Secretary of State of the United States, dated 28th May, 1838; which accompaniment has for its title "Statement of the Claims preferred by the Government of the United States of the North against the Mexican Government;" and concludes as follows: "Copied from the general statement in the section of this department (State Department in Mexico), specially devoted to the examination of the claims of the United States of America," signed L. G. Cuevas (see House Doc. No. 351, 25th Congress, 2d Session, page 762). This document proves, that our claim was not only entertained by the Government of Mexico, but considered as one "preferred by the Government of the United States." These circumstances bring the claim fairly before your honorable body on its legal merits, independently of the equitable considerations to which we have alluded. The cargo, and other articles furnished by the Company at Baltimore, were not only delivered on board the brig to General Mina, for the expedition, as we are able to show, but were actually handed over to him again at Galveston, within the Mexican Territory, by Captain Boyle, of the Calypso, who was the authorized agent of the company to receive payment or part payment at Matagorda, if practicable, but at all events to deliver him the cargo. This was done at Galveston, instead of Matagorda, for the reasons we have mentioned; and the Brig Calypso was delivered over to Captain Carson, Mina's authorized agent, to enter the Mexican service, as everything was then done in the name of the Mexican Republic.

The honors decreed to his memory, in 1823, to which we have alluded as expressing the sense of the nation, came next in order, as constituting a claim in equity, in favor of all those who participated in the expenses of the expedition, which a just and generous nation could not disregard. But this equitable claim is afterwards converted into a legal one of binding force, by a decree of the year following, which we have cited. This decree (28th June, 1824), so general and comprehensive in its terms, legalizes all that had been done by the chiefs of the revolution, declared "benemeritos de la patria," toward procuring supplies for the use of the nation; and being without restriction, nationalizes the debt contracted by Mina for supplies from abroad, in as effective a manner as though the debt had been contracted for by a native chief of the same rank with citizens of the republic for supplies from within. In fact, the greater part of the military supplies for the revolution came from without, and were paid or contracted for on the coast. In this instance, although the contract was made at Baltimore, it was afterwards ratified at Galveston within the territory of the Mexican Republic; which brings us within the category of claimants for supplies furnished the revolutionary chiefs on the coast.

Such claims, as we understand, have been admitted by the Mexican Government, on the general principles of justice, in all cases where the supplies, being military, have been bona fide contracted for by distinguished chiefs of known celebrity, for the use of the nation, without any decree similar to the one we have mentioned operating in their favor.

Our claim, then, being for similar supplies, has, moreover, its intrinsic merits to recommend it, as those supplies were accompanied by military skill and combination calculated to produce the most glorious and lasting results. It has, besides, the good fortune to be provided for in the second article of the decree of 28th June, 1824, above recited, by the sovereign Congress of Mexico, who, being then near the epoch when those scenes were transacted, were the best judges of the importance of those services and those supplies on which we found our claim. Moreover, this decree being without exception or reservation, evinced, as we think, the settled purpose and determination of the Mexican Congress to place this claim upon the same footing, as it respected the liability of the Government, with claims for debts contracted by the native revolutionary chiefs of the heroic grade; as much so as if it had been specially named and provided for in that decree. Our reasons for thinking so are, that the existence of the claim was well known to the Mexican Government at the time the decree was passed. For, besides the presence of several of Mina's officers in the City of Mexico, who had important offices conferred on them, Dennis A. Smith went himself to that city, in the fall of 1822, to look after his claim, with a power likewise from the Mexican Company of Baltimore.

And although he did not then present it, on account of the political state of the country (as he says, in his letter of 10th March, 1823, to Doctor Mier), yet his business was well known, and his associate in the agency, General James Wilkinson, remained in Mexico to attend to the recovery of it.

It appears, however, from a letter of F. P. Martinez, Minister from Mexico, to John Forsyth, Secretary of State of the United States, that the claim of the Mexican Company of Baltimore was presented to the Mexican Government, in 1822, by Mr. Taylor, American Consul for Vera Cruz, then in the City of Mexico. (See House Doc. No. 3, 25th Congress, 2d Session.) And J. S. Wilcocks, holding a power from General Wilkinson, presented, some time in 1823, the claim of that company to the Mexican Government. It is evident, therefore, that both claims, viz., that of the Mexican Company of Baltimore, and that of Dennis A. Smith (now forming one, by the name of Robert Oliver's claim), were known to exist, and as they are embraced in the said decree of the 28th of June, 1824, since they are not excluded, we have a right to conclude that it was the intention of the Mexican Congress to recognize said claims, now forming the account presented, as good against the nation, and to be paid at a future day. We present, therefore, the following as the particular and distinct grounds upon which the claim thus presented to your consideration is sustained by the proofs and documents to which we have referred:

1st. As advances made, of military stores, arms, and troops, for the use of the Republic, delivered and received on the coast within the jurisdiction of Mexico, and taken into the country, and used and applied to the benefit of the nation, by officers in the service of the Republic. And we contend, that if this were the sole ground of the claim, the principles of equity and the law of nations would admit its validity. Between individuals, it is the settled law of all civilized communities, that if the accredited agents and servants of one party, acting within the sphere of their duties, receive money or goods from the other party, and apply them to the use and benefit of their principal, he is legally and morally responsible for what is thus received by his servants and applied to his benefit.

2d. These advances were made on the special application of persons in the service of the Revolutionary Government, and having full authority to bind the Government by such contracts. This is proved by the documents to which we have referred. The letters of General Mina and Doctor Mier show that they considered themselves invested with such authority, and that they so represented themselves.

That they did this falsely cannot be imputed to them by Mexico. Such a reproach upon the memories of such men can never come from the nation to whose service they made such sacrifices, and whose merits have been so gratefully acknowledged by the most solemn public acts. The decree in honor of Mina, and the pension decreed to Doctor Mier, and the acknowledgment of these very services as revolutionary services rendered by him, would alone make this impossible. For further proof under this head, we beg leave to refer to the deposition of Dr. Mier himself, filed in support of the claim of Abner L. Duncan, showing his own authority and that of General Mina to bind the nation by such a contract.

3d. If these grounds were at all doubtful, we further contend that the claim is maintained by a national acknowledgment of the most solemn and decisive character. The second article of the decree of the 28th June, 1824, already mentioned, is conclusive upon this subject. It assumes, in the name of the nation, the debts contracted for its use by General Mina, as one of the "benemritos." And this particular claim had before then been brought distinctly and officially to its notice. Even if it had not, the plain and general terms of this decree would have placed it beyond the power of the nation to question its validity. It is again illustrated by the universally admitted principles which govern the contracts of individuals.

If an agent has no powers to bind his principal when he makes a contract or obtains advances for his benefit, a subsequent admission or recognition by the principal of what he has done, binds him as effectually, in law and equity, as if the agent had been invested originally with the most plenary powers.

Thus, then, under these three heads, it is shown that the means furnished by these advances were used in furtherance of that revolution which established the Independence of Mexico.

They contributed to some of the proudest and most heroic achievements that animated her patriots in their glorious struggle for freedom. Had Mina lived to the termination of the conflict, what would he have said—what would Mexico have said—of the merits of those advances which the generous sympathy of strangers had induced them to hazard in a doubtful contest, that they might equip and send forth such a champion in such a cause? He died; but his name and memory lived through the eventful struggle, and will belong to Mexico and the cause of liberty forever. Where that name and memory are cherished, this claim must be respected. And these advances were made to those who avowed that they had full authority to contract for the nation, and their authority is shown.

Lastly. To put the claim on the highest possible ground, the nation, by a solemn decree, has evinced its justice and gratitude by its express recognition and assumption as a national debt.

All which is respectfully submitted.

J. MASON, Jr.
ABRAHAM MILLER.

Washington, 26th April, 1841.

United States of America, Department of State.

To all to whom these presents shall come, greeting:

I certify that the paper hereunto annexed is a true copy of a document presented to the Board of Commissioners on Claims against Mexico, in the case of Oliver and others, and now on file in this department, with other documents appertaining to cases adjudicated by said commission.

In testimony whereof, I, William L. Marcy, Secretary of State of the United States, have hereunto subscribed my name, and caused the seal of the Department of State to be affixed.

Done at the City of Washington this twenty-ninth day of September, A.D. 1855, and of the Independence of the United States of America the 80th.

W. L. MARCY.

Agreement.

In the Circuit Court of the United States for Maryland District.

James Williams' Adm'r
v.
Robert Oliver's Ex'rs.

John Goodings' Adm'r de bonis non
v.
Robert Oliver's Ex'rs.

} In Equity.

It is agreed by the solicitors of the respective parties in the abovenamed cases, that the memorial in the English language, presented to the Board of Commissioners, need only be inserted in the records for the Supreme Court. And that a copy of the same memorial, in the Spanish language, may be omitted in the said records. But a memorandum shall be inserted by the clerk to this effect in the record.

The foregoing memorial in the Spanish language was among the papers proved in the court *in the court* below, but is omitted by agreement to avoid burthening the record with the same matter twice.

J. M. CAMPBELL,
For Defendants.
G. L. DULANY,
Attorney for Complainants.

Memorandum.

The memorial in the Spanish language mentioned in the aforegoing agreement was returned to the Circuit Court here, by the master, as one of the Exhibits in the cause, and is on file among the papers in the said cause in the court below.

THO. SPICER,
Circuit Court Clerk.

The defendant's solicitor then gave notice that the defendants had closed their evidence, provided the complainants did not offer any other or further evidence; and the complainant's solicitor stated that he did not intend to offer further evidence.

Afterwards, G. L. Dulany, Esq., applied to the master to have the witness David M. Perine recalled and further examined, on behalf of the defendants, and the master then fixed the 26th day of November, 1855, for the re-examination of the said witness, and gave notice thereof to the solicitors of both parties.

On the 26th day of November, 1855, pursuant to the notice, G. L. Dulany, Esquire, on behalf of the complainant, and J. M. Campbell and Reverdy Johnson, Esquires, on behalf of the defendants, and the witness, David M. Perine, appeared before the master, and thereupon the said G. L. Dulany, Esq., proceeded further to examine the said witness.

Further Examination of David M. Perine, on behalf of the Complainant.

And the said David M. Perine, being examined on behalf of the complainant by G. L. Dulany, on the questions herein set forth, deposed, answered, and said as follows, to wit:

Question. Were the counsel fees stated in your previous deposition in these cases to have been paid by the defendants to Mr. Johnson, so paid by them under any written contract between him and them? Was there any written contract for the payment of said fees between said executors and Mr. Johnson?

Answer. I refer to my former deposition for the answer to this interrogatory as to the amount paid to Mr. Johnson, and the ground upon which it was paid. Mr. Glenn and myself, as trustees, paid the amount to Mr. Johnson, in obedience to the orders, decrees, and attachments issuing from the Court of Appeals of Maryland, as stated in my deposition. There was a written contract between the executors of Mr. Oliver and Mr. Johnson.

The complainant's solicitor then filed with the master, the following paper and agreement.

Agreement.

In the four cases which are now pending between the executors of Robert Oliver, and the trustees of Lyde Goodwin, James Williams, and John Gooding, respectively, in relation to certain Mexican trust funds now in dispute between said parties: It is agreed, that the said executors will allow to their counsel, and the counsel hereby agree to accept, the following compensation for services in prosecuting or defending said cases on behalf of the said executors, in all the courts that the same may be carried, viz.:

1st. The amount of 10 per cent., of whatever may be received by said executors from the two cases of James Williams and John Gooding.

2d. The amount of 15 per cent., of whatever may be received by said executors from the two cases of Lyde Goodwin, one being for his claim of 5 per cent. commission, and the other for the one-ninth interest in the Mexican Company.

3d. In case the executors should not receive anything from the above cases, then they are to allow and pay to the counsel upon the final termination of the suits, the sum of one thousand dollars, that is, the sum of two hundred and fifty dollars for each of said four cases, and to be paid as aforesaid, as each case is settled.

4th. If it should become necessary to employ additional counsel in any of the above cases, such additional counsel is not to be paid by the executors of Robert Oliver.

REVERDY JOHNSON,
THOMAS OLIVER,
Executors of Robert Oliver.

BALTIMORE, 20th May, 1844.

It is agreed that the above shall be taken as an original produced by complainant, with same effect as if original had been produced by them.

G. L. DULANY,
Solicitor for Complt's.
J. M. CAMPBELL,
For Defendants.

Question. Will you state whether the sums of upwards of $3900, paid on account of the share of James Williams, and upwards of $3800, paid on account of the share of John Gooding, for counsel fees and expenses, as stated by you in your previous deposition, were so paid by said executors under any written contract either for the part or the whole thereof? Will you state further and particularly, what was the nature and character of said services, and also for what and in what manner said expenses were incurred, and the times thereof?

Answer. For parts of the said sum of $3900 and upwards, and $3800 and upwards, there were written contracts, and for parts there were no written contracts. The two papers I now produce contain the respective items of those amounts thus paid. Those sums have never been refunded to the executors. The sums were paid in resisting the claim of Nathaniel Williams, trustee of Gooding, and also of Williams, to the fund. I mean the items up to the 13th of March, 1852, inclusive. The sums paid since that date were paid in resisting the claims of the present complainants.

(The following are the two papers produced by the witness.)

Fees and other Expenses paid by the Executors of Robert Oliver on Account of John Gooding's Share.

				Voucher No.	
1842.					
March 15.	To Thomas Alexander for Professional Services, .	$500	½ is	503	$250 00
" 16.	William H. Gatchell for same, . . .	200	"	504	100 00
" "	Reverdy Johnson for same,	150	"	505	75 00
Dec'r 31.	Clerk of Baltimore County Court for Fees, .	179	36	545	11 11
1843.					
Sept'r 30.	John Carrere (Auditor), .	25	⅓ is	583	8 33
1846.					
March 23.	John Carrere (Auditor), .	40	⅓ is	679	13 33
1849.					
Feb'y 24.	J. V. L. McMahon for Professional Services .	500	¼ is	754	125 00
1850.					
April 3.	Clerk of the Court of Appeals for Fees, .	98	50	775	11 57
June 28.	J. V. L. McMahon for Professional Services, .	6954	96	777	1336 00
" 29.	T. S. Alexander (Arbitrator), . . .	50	¼ is	778	12 50
July 8.	Clerk of the Court of Appeals, . .	25	28 is	779	6 32
1851.					
July 18.	J. Murphy & Co. for Printing Briefs, . .	66		796	19 50
Sept'r 5.	Reverdy Johnson for Professional Services, .	516	07	798	11 88
" "	J.V. L. McMahon for same,	172	02	799	3 94

1852.					
Jan'y 21.	J. M. Campbell for same,	1130	½ is	807	565 00
" "	J. Murphy & Co., for Printing Briefs, .	27	"	808	13 50
					$2637 98
March 13,	Clerk of the Supreme Court U. S., . . .	137 75		812	137 75
					$2775 73
1853.					
March 15,	J. M. Campbell for Professional Services, .	500	¼ is	825	125 00
" "	Reverdy Johnson for same,	500	"	826	125 00
Dec'r 3.	Same for same, . .	250	"	833	62 50
" "	J. M. Campbell for same, .	250	"	834	62 50
1854.					
May 2.	J. Murphy & Co. for Printing Records, . .	621	"	842	155 25
1855.					
Jan'y 8.	Reverdy Johnson for Professional Services, .	500	¼ is	850	125 00
" "	J. M. Campbell for same,	500		851	125 00
March 19.	Clerk of the Supreme Court for Fees, . .	23 02		855	23 02
April 18.	Reverdy Johnson for Professional Services, .	250	½ is	860	125 00
	J. M. Campbell for same,	250	"	861	125 00
					$3829 00

Fees and other Expenses paid by the Executors of Robert Oliver on Account of James Williams' Share.

				Voucher No.	
1842.					
Mar. 15.	To Thomas S. Alexander for Professional Services, .	$500	½ is	503	$250 00
" 16.	William H. Gatchell for same, . . .	150	"	504	75 00
" "	John Glenn for same, .	150	"	506	75 00
" "	Reverdy Johnson for same,	150	"	505	75 00
Dec. 31.	Clerk Baltimore County Court for Fees, . .	179 36		545	7 91
1843.					
Sept. 30.	John Carrere (Auditor), .	25	⅓ is	583	8 33
1846.					
Mar. 23.	John Carrere (Auditor), .	40	"	679	13 33

3935

1849.					
Feb. 24.	J. V. L. McMahon for Professional Services,	500	¼ is	754	125 00
1850.					
April 3.	Clerk of the Court of Appeals for Fees,	98	50	775	15 89
June 28.	J. V. L. McMahon for Professional Services,	6954	96 say	777	1336 00
" 29.	T. S. Alexander (Arbitrator),	50	¼ is	778	12 50
July 8.	Clerk of the Court of Appeals,	25	28 is	779	6 32
1851.					
July 18.	J. Murphy & Co. for Printing Briefs,	66		796	15 00
Sept. 5.	Reverdy Johnson for Professional Services,	516	07	798	11 88
" "	J. V. L. McMahon for same,	172	02	799	3 94
1852.					
Jan. 21.	J. M. Campbell for same,	1130	½ is	807	565 00
" "	J. Murphy & Co. for Printing Briefs,	27	"	808	13 50
					$2634 60
1852.					
Mar. 13.	Clerk of the Supreme Court U. S.,	156	79	811	156 79
					$2791 39
Oct. 2.	J. M. Campbell for stamp on Bond,	12	½ is	818	6 00
1853.					
Mar. 15.	J. M. Campbell for Professional Services,	500	¼ is	825	125 00
" "	Reverdy Johnson for same,	500	"	826	125 00
April 6.	Clerk of the Superior Court,	7	12 is	827	3 12
" 14.	Same,	15	70	829	6 47
Dec. 3.	Reverdy Johnson for Professional Services,	250	¼ is	833	62 50
" "	J. M. Campbell for same,	250	"	834	62 50
					$3181 98
1854.					
May 2.	J. Murphy & Co. for Printing Records,	624	¼ is	842	155 25
1855.					
Jan'y 8.	Reverdy Johnson for Professional Services,	500	"	850	125 00

Jan'y 8.	J. M. Campbell for same, .	500 ¼ is	851	125 00
Mar. 19.	Clerk of the Supreme Court for Fees, . . .	82 94	854	82 94
Apl. 18.	Reverdy Johnson for Professional Services, .	250 ½ is	860	125 00
" "	J. M. Campbell for same, .	250 "	861	125 00
				$3920 17

Answer of David M. Perine, continued.

The items of $250, paid on the 15th March, 1842, to Thomas S. Alexander, were paid for professional services, for appearing before the Committee of the Legislature upon the memorial of the executors of Oliver on their application for the law which they afterwards passed, the act of 1841, ch. 309. The items of the 16th of March, 1842, paid to Gatchell, to Johnson, and to Glenn, were paid for professional services in getting the law passed. Grafton L. Dulany, Esquire, appeared before the committee on the other side, representing the trustee, Nathaniel Williams. The items paid to the clerks of Courts (except the items of 13th March, 1852), and the auditor, were paid for copies, not for what is called legal costs. The items of 24th February, 1840, and the 28th June, 1850, were paid for arguing the cases of the trustee of Williams and also of Gooding against the executors of Oliver, and Glenn and myself, trustees on part of Oliver's executors, in the Court of Appeals of Maryland. The items of $12 50, paid to Thomas S. Alexander, were paid for services as arbitrator, in settling the amount to be paid to Mr. McMahon as above mentioned. The items of 5th September, 1851, and 21st January, 1852, were for counsel fees paid for same cases. The items of 18th July, 1851, and 21st January, 1852, paid to Murphy, were for printing briefs in same cases. The items of $156 7 and $137 75, paid 13th March, 1852, were for legal costs on the writs of error to the Court of Appeals of Maryland, taken by Nathaniel Williams, trustee of James Williams, and also of John Gooding, against the executors of Robert Oliver.

Question. Will you state whether, in your former deposition, you mean to be understood as saying, that all the money received by the executors of Oliver, on account of the shares and interests of John Gooding and James Williams, were used by them for the purposes of the estate?

Answer. I have already stated all my knowledge on that subject in my former deposition, as fully as I can do so.

Cross-Examination.

And the said David M. Perine, being cross-examined on behalf the defendants by Reverdy Johnson, Esq., further answered and said as follows, to wit:

Question. Did you act as the agent of the executors of Oliver, in employing Reverdy Johnson, and in making the contract between him and them, a copy of which has been offered in evidence?

Answer. Yes.

Question. Did you afterwards consult with him from time to time, in relation to the cases affecting the fund in dispute? Were all the answers, filed by the executors and yourself and Glenn, trustees, to the claims for the funds made by the trustees, respectively of John Gooding and James Williams, Lyde Goodwin, and of Stump, and of the administrators of James W. Williams, prepared exclusively by him; and were all the arguments which were had in all the courts, until the final determination of said cases in favor of the executors, conducted in part by him?

Answer. I consulted Mr. Johnson often, from the time the bill was filed by the trustee of John Gooding and James Williams, against the deponent and his co-trustee, and the executors of Oliver. All the answers. both of myself and co-trustee, and the executors of Oliver, were exclusively prepared by Mr. Johnson. The cases in the courts below in Maryland were exclusively argued by Mr. Johnson. In the Court of Appeals of Maryland, the said cases were argued, as I was informed, by Mr. Johnson and Mr. McMahon, and in the Supreme Court of the United States by Mr. Johnson and Mr. Campbell.

Question. Will you state who were the counsel on the other side, and by whom were the cases argued on the other side?

Answer. In the court below, in Maryland, the cases were argued by Mr. Dulany, and I think by Mr. Alricks, Mr. Schley, and Mr. Williams. In the Court of Appeals of Maryland, I was not present at the argument, and therefore cannot say, from my personal knowledge, who did argue those cases; nor was I present in the Supreme Court of the United States, and do not know who argued the cases there.

Question. From your knowledge of the labor and services so rendered by said Johnson, will you state whether the amount of compensation paid him was in your opinion at all unreasonable?

Answer. I do not think the amount paid Mr. Johnson was at all unreasonable, for he had great labor, and his time was much taken up in preparing the papers, giving advice, attending to taking testimony, and arguing the cases in all the courts, to which the same were carried, a part of it depending upon the contingency of success, as the contract will show.

Question. Have you any knowledge of what the counsel on the other side were to receive, or any of them, in the event of their success? If so, state it.

Answer. I have not.

Admission of G. L. Dulany, Esq.

Grafton L. Dulany, Esq., than, at the request of the defendant's solicitors, made the following admission of facts, to be received as evidence offered on behalf of the defendants, to wit:

It is admitted by Mr. Dulany, that there is to be paid to the counsel of the complainants, in the present cases of Williams' administrator, and Gooding's administrator against the executors of Robert Oliver, one half of what is recovered in the case of Williams, and one-third in the case of Gooding; the counsel paying all the costs in Williams' case, and all the costs beyond $100 in Gooding's case. This was offered by the parties themselves, and is all that is to be paid by them. Mr. Nathaniel Williams is to get a portion of the fee to complainant's counsel, not to exceed $5000. The contracts with Williams' administrator, and Gooding's administrator are as follows, to wit:

Contract with Williams' Adm'r.

BALTIMORE, 18th March, 1852.

Whereas, as administrators of my father, James Williams, I have against the executors of Robert Oliver, on account of money or stocks received by them, on account of the share which said James Williams, as a member of the Mexican Company of Baltimore; and whereas, as G. L. Dulany has agreed, as counsel, to prosecute said claim for a contingent fee of one-half of whatever may be recovered, after deducting costs, and to bear all expenses of suit, or legal or equitable proceedings which may be necessary; now, I do hereby agree to give to said Dulany one-half of whatever may be recovered, by suit or otherwise, first deducting costs; it being distinctly understood that, if he recovers nothing, then he is to have no compensation, nor to be refunded any portion of the costs he may be put to under this agreement.

JOHN S. WILLIAMS,
Admr. of James Williams.

Contract with John Gooding's Adm'r.

In consideration of the legal services heretofore and hereafter to be performed by Grafton L. Dulany, in recovering a claim for the estate of John Gooding, late of the City of Baltimore, deceased, against the executors and legatees or distributees of Robert Oliver, deceased, and which claim arose from said Gooding, in his lifetime, having been a member of the Mexican Company of Baltimore; now I, the undersigned, do hereby agree to give said Dulany one-third of whatever may be recovered by suit or otherwise, of said claim, as a compensation for services performed and to be performed by him, it being distinctly understood that his compensation is contingent only, and if nothing is recovered, he is to have nothing. It being also distinctly understood that the said Dulany is to do, and cause to be done, whatever is necessary in all courts where the said claim shall be carried, or otherwise, for the successful prosecution of the same, and to pay all costs above one hundred dollars.

JOHN GOODING,
Admr. d. b. n. of John Gooding.

18th Nov., 1853.

In the former cases of Williams' and Gooding's permanent trustees, he (Dulany) was to have received, in the first instance, twelve and a half per cent. on the amount recovered on each share, as appears by the following contract, to wit:

BALTIMORE, 25th Feb., 1846.

I hereby agree to give G. L. Dulany twelve and a half per cent. on the whole amount that may be recovered in my behalf, upon my claims on the Mexican fund now in Baltimore County Court for distribution, which I hold as the permanent trustee of John Gooding, and also of James Williams, said twelve and a half per cent. to be the only compensation to said Dulany for professional services rendered and to be rendered by him in the recovery of said claims. If nothing is recovered, then said Dulany is to have no compensation.

NATH'L WILLIAMS,
Trustee of John Gooding, and
Trustee of James Williams.

Subsequently another contract, doing away with the contract just set forth, was made by Mr. Dulany and Mr. Schley with Nathaniel Williams, trustee of Williams, and also as trustee of Gooding, which contract is as follows, to wit:

BALTIMORE, April 27th, 1850.

In lieu of all former agreements, understandings, or arrangements made between the undersigned, Nathaniel Williams, as trustee for the creditors of James Williams, and as trustee for the creditors of John Gooding, with the undersigned, Grafton L. Dulany, and the undersigned, William Schley, either jointly or separately, the following agreement is now made between said parties, to wit:

The said Dulany and the said Schley are to give all necessary and proper attention to the two cases now pending in the Supreme Court of the United States until the final decision of said causes; and in case they succeed in either of said causes, in whole or in part, they are each to receive twenty-five per cent. of what may come into the hands of the said Williams as trustee of Gooding; and twenty-five per cent. each of what said Williams may recover as trustee of said James Williams; and if nothing is recovered, then nothing is to be received for any past or future services.

NATH'L WILLIAMS,
Trustee, &c.
G. L. DULANY,
WM. SCHLEY.

In the case of Lyde Goodwin, Mr. Alricks and Mr. Dulany were to receive twenty-five per cent., as appears by the contracts, one made with Lyde Goodwin, and the other made with George M. Gill, Esquire, the permanent trustee, as follows, to wit:

It is agreed, this 5th day of January, A. D. 1842, between Lyde Goodwin and Grafton L. Dulany and Thomas P. Alricks, all of the City of Baltimore, that for and in consideration of professional services rendered, and to be rendered, by the said Dulany and Alricks, in and about the business of the said Goodwin, relative to certain claims upon the Mexican Government, the said Goodwin agrees that the said Dulany and Alricks shall have one-fourth between them, clear of all deductions, of whatever sums may be received under and by virtue of the treaty of the 12th June, A. D. 1840, between the American and Mexican Governments.

his
Witness, LYDE ⋊ GOODWIN.
mark.
NATHL. W. WILLIAMS,
CHAS. NICHOLS.

Whereas, G. L. Dulany and T. P. Alricks, before the filing of petitions by the subscriber, as permanent trustee of Lyde Goodwin, made known to the subscriber the fact, that he, as permanent trustee to the of the Mexican expedition, and to a commission of 5 per cent., and agreed to conduct the said claims to final settlement upon a contingent compensation of twenty-five per cent. on the amount to be recovered; and whereas, the subscriber considered said compensation reasonable and usual under the circumstances. Now, therefore, these presents have been given for the purpose of evidencing the said agreement, and that the same was entered into before the filing of the said petitions in the case of White and Thomas against the executors of Robert Oliver and others, in Baltimore County Court, sitting as a Court of Equity, by the undersigned.

GEO. M. GILL,
P. T. L. G.

5th Dec., 1843.

Notice to the Executors of Robert Oliver to Produce the Record of the Proceedings, to Enforce the Decree of the Court of Appeals.

Circuit Court of the U. S.

GOODING, Admr. of JOHN GOODING,
v.
OLIVER'S EXECUTORS.

WILLIAMS, Admr. of WILLIAMS,
v.
OLIVER'S EXECUTORS.

To the Executors of Robert Oliver.

Gentlemen: You will please produce the record of the proceedings to enforce the decree of the Court of Appeals, in Thomas and White *v.* Smith and others, which is referred to in your answer in the above case.

G. L. DULANY,
Solicitor for Compl't.

Service admitted,
Reverdy Johnson,
J. M. Campbell.
27th Nov. 1855.

On the 28th day of November, 1855, J. M. Campbell and Reverdy Johnson, Esquires, filed on behalf of the defendants with the master, the following answer to the above notice, to wit:

Answer.

Williams' Admr.
v.
Oliver's Executors.

Gooding's Admr.
v.
Oliver's Executors.

In answer to the notice to produce a certain record, served, on the 27th November, 1855, upon the solicitors of Oliver's Executors in these cases, the said executors say, that they are ready to produce all things which they undertake in their answers to produce, but they have not by their answers or otherwise undertaken, nor are they bound to produce the record mentioned in said notice.

REVERDY JOHNSON,
J. MASON CAMPBELL,
Solicitors for Oliver's Executors.
28th Nov. 1855.

Afterwards the said Grafton L. Dulany appeared before the master, and asked that the witness, David M. Perine, should be recalled for further examination; and the master fixed the 18th day of December, 1855, and gave notice thereof to the solicitors of the respective parties.

On the 18th day of December, 1855, G. L. Dulany, Esquire, on behalf of the complainants, and J. M. Campbell, Esquire, on behalf of the defendants, appeared before the master, and the said G. L. Dulany, on behalf of the complainant, filed the paper herewith returned, marked Complainant's Exhibit, G. L. D. No. 1, and propounded to the said David M. Perine, who appeared at the same time, an interrogatory touching said exhibit, which interrogatory is hereinafter set forth, and the said David M. Perine, desiring time to examine the said exhibit prior to answering the said interrogatory, the master fixed the 22d day of December, 1855, for the further examination of the said witness, and gave notice to the solicitors of the respective parties.

Complainant's Exhibit, G. L. D. No. 1.

Filed with the Master on the 18th December, 1855.

Record of the Court of Appeals.

Maryland, sct.

At a Court of Appeals of the State of Maryland, one of the United States of America, begun and held for the Western Shore of the said State, at the City of Annapolis, on the first Monday of December, being the third day of the same month, in the year of our Lord one thousand eight hundred and forty-nine, and in the seventy-fourth year of the Independence of the United States.

Present, the honorable Thomas B. Dorsey, Chief Judge; Ezekiel F. Chambers, Ara Spence, Alexander C. Magruder, Robert N. Martin, William Frick, Judges; Richard W. Gill, Clerk.

Among other proceedings were the following, to wit:

Court of Appeals, W. S., June, 1849.

ROBERT OLIVER'S EXECUTORS, and JOHN GLENN and D. M. PERINE, *v.* GEORGE M. GILL, TRUSTEE et al.	No. 143.
JAMES W. MCCULLOH *v.* The Appellant and Appellee in No. 143.	No. 144.
NAT. WILLIAMS, P. T. of JOHN GOODING, *v.* SAME.	No. 145.
NAT. WILLIAMS, P. T. of JAMES WILLIAMS, *v.* SAME.	No. 146.
HANNAH C. WILLIAMS, Ad. of JAMES WILLIAMS, *v.* SAME.	No. 148.
J. M. GORDON, P. T. of J. W. STUMP, *v.* SAME.	No. 147.
THOMAS P. ALRICKS, *v.* SAME.	No. 149.

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Mr. Gill: Enter the several decrees in these cases in part for the use of Reverdy Johnson, as follows, and file, with this Exhibit A, copy of an agreement between said Johnson and the Executors of Robert Oliver, dated the 20th May, 1844, the original being in the possession of David M. Perine, the agent in this respect of said Johnson.

In the case of N. Williams, trustee of James Williams, ten per cent. (10 per cent.)

In the case of N. Williams, trustee of John Gooding, ten per cent. (10 per cent.)

In the case of Geo. M. Gill, as trustee of Lyde Goodwin, upon the whole amount decreed in such case, fifteen per cent. (15 per cent.)

REVERDY JOHNSON,
Solicitor for Oliver's Ex'ors.

23d March, 1850.

Copy.

In the four cases which are now pending between the executors of Robert Oliver and the trustees of Lyde Goodwin, James Williams, and John Gooding, respectively, in relation to certain Mexican Trust Funds now in dispute between said parties: It is agreed, that the said executors will allow to their counsel, and the counsel hereby agree to accept, the following compensation for services in prosecuting or defending said cases on behalf of the said executors in all the Courts that the same may be carried.

1st. The amount of ten per cent. of whatever may be received by said executors from the two cases of James Williams and John Gooding.

2d. The amount of fifteen per cent. of whatever may be received by said executors from the two cases of Lyde Goodwin, the one being for his claim of five per cent. commission, and the other for one-ninth interest in the Mexican Company.

3d. In case the executors should not receive anything from the above cases, then they are to allow and pay to the counsel upon the final termination of the suits one thousand dollars; that is, the sum of two hundred and fifty dollars for each of said four cases, and to be paid as aforesaid, as each case is settled.

4th. If it should become necessary to employ additional counsel in any of the above cases, said additional counsel is not to be paid by the executors of Robert Oliver.

(Signed) REVERDY JOHNSON.
(Signed) THOMAS OLIVER,
Executor of R. Oliver.

BALTIMORE, May 20th, 1844.

And on the 12th day of March, 1850, was filed the following petition, to wit:

Petition.

ROBERT OLIVER'S EXECUTORS, and GLENN and PERINE,
v.
GEORGE M. GILL and others.
No. 1.

JAMES W. MCCULLOCH, Surv'g P. Trustee of GEORGE P. STEVENSON,
v.
OLIVER'S EX'RS, GLENN, PERINE, GILL, and others.
No. 2.

NATH'L WILLIAMS, Perm't Trustee of JNO. GOODING,
v.
SAME.
No. 3.

NATH'L WILLIAMS, Perm't Trustee JAMES WILLIAMS,
v.
SAME.
No. 4.

JOHN M. GORDON, Perm't Trustee JOHN W. STUMP,
v.
OLIVER'S EX'RS, GLENN, PERINE, GILL, and others.
No. 5.

HANNAH C. WILLIAMS, Perm't Trustee of JAMES W. WILLIAMS,
v.
SAME.
No. 6.

THOMAS B. ALRICKS, Perm't Trustee of LYDE GOODWIN,
v.
SAME.
No. 7.

To the Honorable the Court of Appeals for the Western Shore of Maryland.

The Petition of Robert M. Gibbes and Charles Oliver, surviving executors of Robert Oliver, showeth:

That, in the first of the above entitled causes, a decree hath passed by this Court in favor of the executors of Robert Oliver, of whom, by the death of their co-executor, Thomas Oliver, your petitioners are now the sole survivors for the transfer of certain stock, and payment of certain moneys, and performance of certain other things to them by David M. Perine and John Glenn, Trustees; and that, in the remaining six of said cases, the decrees passed below were affirmed, and by the tenor thereof, the said David M. Perine and John Glenn, trustees as aforesaid (they being parties to all the causes), were directed to transfer certain other certificates of stock, and pay certain other moneys to your petitioners.

And that your petitioners have applied to the said Perine and Glenn for the performance of the said decree, but that they have declined to perform the same.

They pray, therefore, that an attachment may issue against the said David M. Perine and John Glenn, to compel the performance of said decrees, and that they may have such other and further relief as their case entitles them to.

REVERDY JOHNSON,
J. M. CAMPBELL,
For Oliver's Exr's.

And on the twenty-third day of March, eighteen hundred and fifty, an attachment for contempt issued in the words following, to wit:

Attachment.

Maryland, *sct.*

The State of Maryland, to the Sheriff of the City of Baltimore greeting:

[SEAL.] Whereas upon a bill filed on the equity side of Baltimore County Court, on the fourth day of October, eighteen hundred and forty-one, by Philip E. Thomas and others, complainants, against Dennis A. Smith and others, defendants, it was so proceeded in, that afterwards, to wit, on the fifth day of December, eighteen hundred and forty-six, the said Court ordered and decreed, that the fund then in the hands of the trustees, David M. Perine and John Glenn, should be distributed in part as follows: that is to say, to Charles Oliver, Robert M. Gibbes, and Thomas Oliver, executors of Robert Oliver, for the shares of John Gooding and James Williams, in certificates, forty-two thousand eight hundred and twenty-seven dollars seventy-three and one-third cents; and in money, sixteen thousand three hundred and twenty-one dollars and seventy-one cents. Whereof the said David M. Perine and John Glenn, trustees as aforesaid, are convict, as by inspecting the record of proceedings of the same Court, brought before the Court of Appeals for the Western Shore, at the City of Annapolis, by reason of errors alleged to have been therein, manifestly appears.

And whereas it hath been ordered, adjudged, and decreed in the said Court of Appeals, at the City of Annapolis aforesaid, on the twenty-third day of June, eighteen hundred and forty-nine, that the said part of said recited decree given in form aforesaid, ought to be affirmed as against Nathaniel Williams, permanent trustee of James Williams, Nathaniel Williams, permanent trustee of John Gooding, Hannah C. Williams, administratrix of James W. Williams, John M. Gordon, permanent trustee of John W. Stump. And it was further ordered, adjudged, and decreed, by the said Court of Appeals here, that the said trustees, John Glenn and David M. Perine, pay to the said Robert M. Gibbes, Charles Oliver, and Thomas Oliver, executors of Robert Oliver, the aforesaid amount in certificates, and the aforesaid amount in money, decreed to the said executors by the aforesaid decree of the Court below, for the shares of John Gooding and James Williams, together with all interest, profits, or accumulations thereon, which may have arisen and been received by them, the said trustees, on account of said certificates, or on account and from any investments of any proceeds of the same, or any investment of the said proceeds, or of the said sum decreed to be paid in money, which may have been made under the order and direction of the Court below; whereof the said David M. Perine and John Glenn are convict, as of record it likewise appeareth.

And whereas, afterwards, to wit, on the twelfth day of March, eighteen hundred and fifty, Robert M. Gibbes and Charles Oliver, surviving executors of Robert Oliver, deceased, the said Thomas Oliver being then dead, as has been suggested in this Court, filed their petition in this Court, alleging that the said petitioners had applied to the said David M. Perine and John Glenn for the performance of the said decree as aforesaid, and that they have declined to perform the same; and they therefore prayed that an attachment might issue against the said David M. Perine and John Glenn, to compel the performance of the said decree, and that they might have all such other and further relief, as their case entitles them to; upon consideration whereof, the Court here ordered, that the said David M. Perine and John Glenn, on or before the twentieth March, eighteen hundred and fifty, show cause why the prayer of the said petitioner should not be granted; provided notice be served on them on or before the seventeenth of March aforesaid. And thereupon the said David M. Perine and John Glenn filed their answers to the said petition, admitting their readiness to perform the said decree, but for certain reasons therein stated they had not performed the same, and praying the protection of the court in the matter of the decree aforesaid; upon consideration whereof, it is, this twenty-second day of March, eighteen hundred and fifty, ordered and decreed by the said Court of Appeals here, that an attachment for a contempt for omitting to execute the said decree of this Court be issued against the said David M. Perine and John Glenn.

Therefore you are hereby commanded, that you attach the bodies of David M. Perine and John Glenn, if they shall be found within your bailiwick, and them safe keep, so that you have them before the Court of Appeals, to be held at the City of Annapolis, the second Monday in June next, to answer as well touching a certain contempt by them committed, in not performing nor executing the decree of this court aforesaid against them in the said court adjudged and decreed, as to such other matters and things as shall be then and there alleged against them. Hereof fail not as you will answer the contrary at your peril. Witness, the Honorable Thomas Beale Dorsey, Chief Judge of the Court of Appeals, this twenty-third day of March, Anno Domini eighteen hundred and fifty.

(R. J.) R. W. GILL,
Clerk.

Which said writ was thus indorsed, to wit:
No. 20. June, 1850.

Robert M. Gibbes and Charles Oliver, Surviving Executors of Robert Oliver, for the use of Reverdy Johnson as to ten per cent. on the amount, &c., within mentioned, *v.* David M. Perine and John Glenn.

Attachment for contempt in the cases of John Gooding and James Williams' Trustees.

Exhibit G. to the final report of David M. Perine and John Glenn, trustees.

And on the same day the following attachment for contempt, indorsed thereon as Exhibit H, in the words following, to wit:

Attachment.

Maryland, *sc.*

The State of Maryland, to the Sheriff of the City of Baltimore, greeting:

[SEAL.]

Whereas, upon a bill filed on the equity side of Baltimore County Court, on the fourth day of October, eighteen hundred and forty-one, by Philip E. Thomas and others, complainants, against Dennis A. Smith and others, defendants, it was so proceeded in, that afterwards, to wit, on the fifth day of December, eighteen hundred and forty-six, the said court ordered, adjudged, and decreed, that the fund then in the hands of the trustees, David M. Perine and John Glenn, should be distributed in part as follows, that is to say, to Charles Oliver, Robert M. Gibbes, and Thomas Oliver, executors of Robert Oliver, for three-sevenths of the amount retained to meet the claim of McCulloh, trustee of George P. Stevenson, in certificates, one thousand five hundred and ninety-three dollars and sixty-seven cents, and in money, five hundred and forty-two dollars sixty-two cents, whereof the said David M. Perine and John Glenn, trustees as aforesaid, are convict, as by inspecting the record of proceedings of the same court, brought before the Court of Appeals for the Western Shore, at the

City of Annapolis, by reason of errors alleged to have been therein, manifestly appears.

And whereas it hath been ordered, adjudged, and decreed, in the said Court of Appeals, at the City of Annapolis aforesaid, on the twenty-third day of June, eighteen hundred and forty-nine, that the said part of said recited decree, given in form aforesaid, be affirmed without costs, as respects James W. McCulloh, surviving trustee of George P. Stevenson, as of record it appeareth.

And whereas afterwards, to wit, on the twelfth day of March, eighteen hundred and fifty, Robert M. Gibbes and Charles Oliver, surviving executors of Robert Oliver, deceased, the said Thomas Oliver being then dead, as has been suggested in this court, filed their petition in this court, alleging that the said petitioners had applied to the said David M. Perine and John Glenn for the performance of the said decree as aforesaid, and that they have declined to perform the same, and they therefore prayed that an attachment might issue against them, the said David M. Perine and John Glenn, to compel the performance of the said decree, and that they might have all such other and further relief as their case entitles them to. Upon consideration whereof, the court here ordered, that the said David M. Perine and John Glenn, on or before the twentieth March, eighteen hundred and fifty, show cause why the prayer of the said petitioner should not be granted, provided notice be served on them on or before the seventeenth of March aforesaid; and thereupon the said David M. Perine and John Glenn filed their answers to the said petition, admitting their readiness to perform the said decree, but for certain reasons therein stated they had not performed the same, and praying the protection of the court in the matter of the decree aforesaid: upon consideration whereof it is, this twenty-second day of March, eighteen hundred and fifty, ordered and decreed by the said Court of Appeals here, that an attachment for a contempt for omitting to execute the said decree of this court be issued against the said David M. Perine and John Glenn.

Therefore you are hereby commanded that you attach the bodies of the said David M. Perine and John Glenn, if they shall be found within your bailiwick, and them safe keep, so that you have them before the Court of Appeals, to be held at the City of Annapolis, on the second Monday in June next, to answer as well touching a certain contempt by them committed in not performing nor executing the decree of this Court, aforesaid, against them in the said Court adjudged and decreed, as to such other matters and things as shall be then and there alleged against them. Hereof fail not, as you will answer the contrary at your peril. Witness, the honorable Thomas Beale Dorsey, Chief Judge of the Court of Appeals, this twenty-third day of March, Anno Domini eighteen hundred and fifty.

R. W. GILL,
Clerk.

(R. J.)

Which said writ of attachment was thereon indorsed as follows, to wit:

No. 21. June Term, 1850.

Robert M. Gibbes and Charles Oliver, Surviving Executors of Robert Oliver, for the use of Reverdy Johnson, as to ten per cent. on the amount, &c., within-mentioned, (*v.*) David M. Perine and John Glenn.

Attachment for contempt in the case of George P. Stevenson, trustee, Exhibit H, to the final report of David M. Perine and John Glenn, trustees.

Court of Appeals, Western Shore. Judicials. June Term, 1850.

ROBERT OLIVER'S EX'RS, use of Reverdy
Johnson for 15 per cent.,
v.
DAVID M. PERINE and JOHN GLENN,
trustees.

Be it remembered that heretofore, to wit, on the twenty-third day of March, in the year of our Lord one thousand eight hundred and fifty, Robert Oliver's Executors, by Reverdy Johnson, their attorney, prosecuted and sued forth out of the Court of Appeals here a writ of the State of Maryland of attachment for contempt, to the Sheriff of the City of Baltimore directed, in the words and figures following, to wit:

Attachment.

Maryland, *sc.*

The State of Maryland, to the Sheriff of the City of Baltimore, greeting:

[SEAL.]

Whereas, upon a bill filed on the equity side of Baltimore County Court, on the fourth day of October, eighteen hundred and forty-one, by Philip E. Thomas and others, complainants, against Dennis A. Smith and others, defendants, it was so proceeded in, that afterwards, to wit, on the fifth day of December, eighteen hundred and forty-six, the said Court ordered, adjudged, and decreed, that the fund then in the hands of the trustees, David M. Perine and John Glenn, should be distributed in part as follows, that is to say, to George M. Gill, permanent trustee of Lyde Goodwin, for five per cent. commission on the whole amount awarded to the trustees, in certificates, thirteen thousand seven hundred and ninety-one dollars and forty-two cents, and in money five thousand one hundred and thirty-eight dollars and thirty-five cents; and also to the said George M. Gill, permanent trustee of Lyde Goodwin, for the share of Goodwin, in certificates twenty-one thousand four hundred and thirteen dollars and eighty-six cents, and in money eight thousand one hundred and sixty dollars and eighty-five cents; and also to the said George M. Gill, permanent trustee of Lyde Goodwin, for one-seventh of the fund reserved to meet the claim of McCulloh, trustee of George P. Stevenson, in certificates, five hundred and thirty-one dollars twenty-two cents, and in money, one hundred and eighty dollars eighty-eight cents; whereof the said David M. Perine and John Glenn, trustees as aforesaid, are convict, as by inspecting the record of proceedings of the same Court, brought before the Court of Appeals for the Western Shore at the City of Annapolis, by reason of errors alleged to have been therein, manifestly appears.

And whereas it hath been ordered, adjudged, and decreed, in the said Court of Appeals, at the City of Annapolis aforesaid, on the twenty-third day of June, eighteen hundred and forty-nine, that the said part of said recited decree, given in form aforesaid, which directed any portion of the fund in controversy to be transferred or paid to the appellee, George M. Gill, as permanent trustee of Lyde Goodwin, was erroneous, and be reversed, and did then also further adjudge and decree, that all and every part of such portion of said fund so by the said County Court decreed to be transferred or paid over to the said appellants, Charles Oliver, Robert M. Gibbes, and Thomas Oliver, as executors of Robert Oliver, together with all accumulations of interest or dividends or investments of the same, made or accruing in and upon such part or portion of said fund, whereof the said David M. Perine and John Glenn are convict, as of record it likewise appeareth.

And whereas afterwards, to wit, on the twelfth day of March, eighteen hundred and fifty, Robert M. Gibbes and Charles Oliver, surviving executors of Robert Oliver, deceased, the said Thomas Oliver being then dead, as has been suggested in this Court, filed their petition in this Court, alleging that the said petitioners had applied to the said David M. Perine and John Glenn for the performance of the said decree, as aforesaid, and that they have declined to perform the same, and they, therefore, prayed that an attachment might issue against the said David M. Perine and John Glenn, to compel the performance of the said decree, and that they might have all such other and further relief as their case entitles them to; upon consideration whereof, the Court here ordered that the said David M. Perine and John Glenn, on or before the twentieth day of March, eighteen hundred and fifty, show cause why the prayer of the said petitioner should not be granted, provided notice be served on them, on or before the seventeenth day of March aforesaid; and thereupon the said David M. Perine and John Glenn filed their answers to the said petition, admitting their readiness to perform the said decree, but for certain reasons therein stated they had not performed the same, and praying the protection of the Court in the matter of the decree aforesaid; upon consideration whereof, it is, this twenty-second day of March, eighteen hundred and fifty, ordered and decreed by the said Court of Appeals here, that an attachment for a contempt, for omitting to execute the said decree of this Court, be issued against the said David M. Perine and John Glenn.

Therefore, you are hereby commanded, that you attach the bodies of David M. Perine and John Glenn, if they shall be found within your bailiwick, and them safe keep, so that you have them before the Court of Appeals, to be held at the City of Annapolis, the second Monday in June next, to answer as well touching a certain contempt by them committed in not performing nor executing the decree of this Court aforesaid against them, in the said Court adjudged and decreed, as to such other matters and things as shall be then and there alleged against them. Hereof you are not to fail, as you will answer the contrary at your peril. Witness the honorable Thomas Beale Dorsey, Chief Judge of the Court of Appeals, this twenty-third day of March, Anno Domini eighteen hundred and fifty.

R. W. GILL,
Clerk.

Which said writ of attachment for contempt was thereon indorsed as follows, to wit:

1850. Robert M. Gibbes and Charles Oliver, Surviving Executors of Robert Oliver, use of Reverdy Johnson, for fifteen per cent. of the decree of this Court (*v.*) David M. Perine and John Glenn.

Attachment for Contempt, &c., in the case of Lyde Goodwin's trustee. Exhibit F, to the final report of David M. Perine and John Glenn, trustees.

And on the first day of April, eighteen hundred and fifty, was filed the following, to wit:

WASHINGTON, 30th March, 1850.

MY DEAR GILL:

I have received to-day yours of yesterday, inclosing attachment against Glenn and Perine, in the case of Gibbes and Charles Oliver, surviving executors of Robert Oliver. In McCulloh's case, my commission is the same as in John Gooding and James Williams' cases, and enter the decrees in these cases to my use for ten per cent. (10 per cent.), and file this as your authority.

Yours truly,
REVERDY JOHNSON,
Solicitor for Oliver's Executors.

RICH'D W. GILL, Esq., Annapolis.

And now, on this 24th day of May, in the year of our Lord one thousand eight hundred and fifty, comes into the Court of Appeals here, the said David M. Perine and John Glenn, and file the aforesaid attachment (marked Exhibit F), and return their final report, with Exhibits A, B, C, D, E, J, K, L, M, and N, thereto, which said report and exhibits are as follows, to wit:

Final Report.

In the Court of Appeals of Maryland for the Western Shore of said State.

In the case of PHILIP E. THOMAS and JOHN WHITE, Trustees,
v.
DENNIS A. SMITH and others, and in the Cases of the Executors of ROBERT OLIVER and the Trustees of LYDE GOODWIN, JOHN GOODING, JAMES WILLIAMS, and GEORGE P. STEVENSON and others.

To the honorable of the State of Maryland for the Western Shore of said State.

The petition or final report of David M. Perine and John Glenn, trustees for certain persons in this case, as will more fully appear by reference to the deed to them executed on the 8th day of May, 1841, and filed with the proceedings in this cause, respectfully showeth.

That by the sixteenth or last report made by your petitioners in the premises, to Baltimore County Court, sitting as a Court of Equity, under date of the 17th July, 1849, it appeared among other things that the amount of funds then in the possession of your petitioners, as trustees aforesaid, were as follows, viz.:

In Certificates.

$15,265 23 of 5 per cent. United States Stock or Scrip, ...	$15,265 23
$121,750 of 6 per cent. United States Loan or Stock of 1867, which cost	129,982 67
And in cash the sum of	7,816 29
	$153,064 19

All of which said certificates and money, amounting as aforesaid to $153,064 19, your petitioners, as trustees aforesaid, were directed by the order and decree of the said Baltimore County Court, passed on the 15th of November, 1843, the 4th of September, 1844, the 9th of April, 1847, and the 27th November, 1848, to retain in their hands, subject to further order and direction of the Court, and for the following purposes, viz.:

First. To meet the claim of Lyde Goodwin's legal representatives of 5 per cent. commission, viz.:

$2,575 23 of United States Scrip or Stock,		$2,575 23
$20,160 43 of United States 6 per cent. loan or stock,		21,523 26
And in money,		1,319 03
		$25,417 52
Second. To meet the claim of J. W. McCulloh, trustee of George P. Stevenson, for an alleged interest in the fund, viz.:		
$694 35 of United States 5 per cent. scrip or stock,	$694 35	
$5,310 50 of United States 6 per cent. loan or stock,	5,672 71	
And in money, the sum of	370 29	
		6,737 35
Third. To meet the claim of the party or parties entitled to the shares or interest of Lyde Goodwin, John Gooding, and James Williams, viz.:		
$11,995 65 of United States 5 per cent. scrip or stock,	11,995 65	
$96,279 07 of United States 6 per cent. loan or stock,	102,786 70	
And in money, the sum of	6,126 97	
		120,909 32
		$153,064 19

And your petitioners further show, that since the time of making their last or 16th report as aforesaid, they have received, to wit, on the 27th of November, 1849, 2d January, 1850, and 9th of March, 1850, interest on said United States loan or stock, to wit:

1849.		
Nov'r 27. For interest on $15,265 23 of 5 per cent. loan, from 10 Feb'y, 1849, to 10 August, 1849,	$381 63	
1850.		
January 2. Interest on $121,750 of *of* 6 per cent loan, from 1st July, 1849, to 1 January, 1850,	3,652 50	
March 9th. Interest on $15,265 23 of 5 per cent. loan, from 10th August, 1849, to 10th February, 1850,	381 63	
		$4,415 76

That of the said amount of $4,415 76 so received by your petitioners for interest as aforesaid, was received on the following accounts, viz.:

First. On the following amounts retained to meet the claim of Lyde Goodwin's legal representatives, viz.:		
On $2,575 23 of United States 5 per cent. loan, ...	$128 76	
On $20,160 43 of United States 6 per cent. loan, ...	604 81	$733 57
Second. On the following amounts retained to meet the claim of J. W. McCulloh, trustee of George P. Stevenson, for an alleged interest in the funds, viz.:		
On $694 35 of United States 5 per cent. loan, ...	$34 71	
On $5,310 50 of United States 6 per cent. loan, ...	159 31	194 02
Third. To meet the claim of the party or parties entitled to the shares or interest of Lyde Goodwin, John Gooding, and James Williams, viz.:		
On $11,995 65 of United States 5 per cent. loan, ...	$599 79	
On $96,279 of United States 5 per cent. loan, ...	2,888 38	3,488 17
		$4,415 76

That, since the fifth day of December, 1846 (that being the time that Baltimore County Court, sitting as a Court of Equity, passed its decree in the premises), the Mexican certificates mentioned in said decree have been paid off, and the amount received for the same, together with the money then in the hands of your petitioners as trustees, was invested by them under the orders and decrees of said Court, as will more fully appear by copies of said orders and decrees herewith exhibited and filed, marked Exhibit A.

That your petitioners, after having made said investments, in obedience to said orders and decrees as aforesaid, made a report from time to time of all their proceedings in the premises to said Court, as will more fully appear by reference to their 9th, 10th, 11th, 12th, 13th, 14th, 15th, and 16th reports, filed in said Court in said cases, since the 5th day of December, 1846.

And your petitioners further show, that after deducting the sum of $605 11 for their commission of 5 per cent. on the amount collected by them as trustees, from the 22d of November, 1848, to the 10th of April, 1850, and upon which no commissions have been heretofore allowed, but which rate of commission was heretofore paid by Baltimore County Court, there then remained, on the 10th day of April, 1850, the following funds, subject to the orders and decrees of the Court, viz.:

In Certificates.

$15,265 23 of 5 per cent. United States scrip or stock,	$15,265 23
$121,750 of 6 per cent. United States loan or stock of 1867, which cost,	129,982 67
And in cash the sum of	4,626 94
	$156,874 84

All of which said certificates and money, amounting as aforesaid to $156,874 84, your petitioners, as trustees aforesaid, were directed, by the orders and decrees of Baltimore County Court, passed on the 15th of November, 1843, the 4th of September, 1844, the 9th of April, 1847, and the 27th of November, 1848, to retain in their hands, to be subject to the future order and directions of the Court, and for the following purposes, to wit:

First. To meet the claim of Lyde Goodwin's legal representatives of 5 per cent. commissions, viz.:		
$2575 23 of United States 5 per cent. scrip or stock,	$2,575 23	
$20,160 43 of United States 6 per cent. stock or loan,	21,523 26	
And in money, the sum of	1,952 23	
		$26,050 72
Second. To meet the claim of J. W. McCulloh, trustee of George P. Stevenson, for an alleged interest in the fund, viz.:		
$694 35 of United States 5 per cent. scrip or stock,	694 35	
$5310 50 of United States 6 per cent. loan or stock,	5,672 71	
And in money, the sum of	537 81	
		6,904 87
Third. To meet the claim of the party or parties entitled to the shares or interest of Lyde Goodwin, John Gooding, and James Williams, viz.:		

$11,995 65 of the United States 5 per cent. scrip or stock,	$11,995 65	
$96,279 07 of United States 6 per cent. loan or stock,	102,786 70	
And in money, the sum of	9,136 90	
		123,919 25
		$156,874 84

And your petitioners further show, that in obedience to the orders and decrees of this honorable Court, passed on the 23d day of June, 1849, in the premises aforesaid, copies of which are herewith exhibited, marked Exhibits B, C, D, and E, and of attachments issued by this Court, on the 23d day of March, 1850, to compel a compliance of said orders and decrees, copies of which are also herewith exhibited, marked F, G, and H, and of the orders and decree of Baltimore County Court, of the 5th of December, 1846, your petitioners, as trustees aforesaid, have paid, transferred, and delivered over to the parties entitled by said orders, decrees, and attachments, all the aforesaid stocks, funds, and money, as directed by said orders, decrees, and attachments; that is to say:

To Reverdy Johnson, the following, viz.: Being 15 per cent. of the portion formerly held on account of the claim of Lyde Goodwin's legal representatives for 5 per cent. commission.		
$386 28 of United States 5 per cent. loan, at	$386 28	
$3024 06 of United States 6 per cent. loan, at	3,228 48	
And in money,	292 84	
		$3,907 60
To Robert M. Gibbes and Charles Oliver, surviving executors of Robert Oliver, deceased, the following, viz.:		
$2188 95 of United States 5 per cent. loan, at	2,188 95	
$17,136 37 of United States 6 per cent. loan, at	18,294 78	
And in money,	1,659 39	
		$22,143 12
Being the portion formerly held on account of the claim of Lyde Goodwin's legal representatives of 5 per cent. commission, $26,052 72.		
To Reverdy Johnson the following, being 15 per cent. of the portion for-		

merly held on account of the share of Lyde Goodwin, viz.:		
$599 78 of United States 5 per cent. loan, at	599 78	
$4813 95 of United States 6 per cent. loan, at	5,139 34	
And in money,	456 84	
		$6,195 96
To Robert M. Gibbes and Charles Oliver, surviving executors of Robert Oliver, deceased, the following, viz.:		
$3398 77 of United States 5 per cent. loan, at	3,398 77	
$27,279 08 of United States 6 per cent. loan, at	29,122 90	
And in money,	2,588 80	
		$35,110 47
Being the portion formerly held on account of the share of Lyde Goodwin, $41,306 43.		
To Reverdy Johnson on the following: Being 10 per cent. of the portion formerly held on account of the share of John Gooding, viz.:		
$399 85 of United States 5 per cent. loan, at	399 85	
$3209 30 of United States 6 per cent. loan, at	3,426 23	
And in money,	304 56	
		$4,130 64
To Robert M. Gibbes and Charles Oliver, surviving executors of Robert Oliver, deceased, the following, viz.:		
$3598 70 of the United States 5 per cent. loan, at	3,598 70	
$28,883 72 of United States 6 per cent. loan, at	30,836 00	
And in money,	2,741 07	
		37,175 77
Being the portion formerly held on account of the share of John Gooding.		$41,306 41
To Reverdy Johnson, the following, being 10 per cent. on the portion formerly held on account of the share of James Williams, viz.:		
$399 85 of United States 5 per cent. loan, at	399 85	

$3209 30 of United States 6 per cent. loan, at	3,426 23	
And in money,	304 56	
	4,130 64	
To Robert M. Gibbes and Charles Oliver, surviving executors of Robert Oliver, deceased, the following, viz.:		
$3,598 70 of United States 5 per cent. loan, at	3,598 70	
$28,883 72 of United States 6 per cent. loan, at	30,836 00	
And in money,	2,741 07	
		$41,306 41

Being the portion formerly held on account of the share of Jas. Williams.

And your petitioners further show, that in consequence of the Government of the United States not issuing certificates of United States 6 per cent. loan under the amount of fifty dollars, they were not able to transfer all the certificates of that loan, into the fractions required, and for the purpose of making a proper distribution of the funds, they have therefore sold $150 of that loan of the portion held by them for the alleged interest of George P. Stevenson in the fund, and which $150 thus sold brought $175 50. The amount therefore held for the alleged interest of George P. Stevenson in the fund, after making said sale, was as follows, viz.:

$694 35 of United States loan, at		694 35
$5,130 50 of United States 6 per cent. loan,	5,672 71	
$150 less which was sold,	160 23	
		5,512 48
And in money,	537 81	
Ditto, being proceeds of sales of $150 United States 6 per cent. loan, at	175 50	
		713 31
		$6,920 14

And which, in pursuance of said orders and decrees and attachments, have been distributed as follows, viz.:

To Reverdy Johnson the following, being 10 per cent. of the alleged interest of George P. Stevenson, viz.:	
$69 43 of United States 5 per cent. loan, at	69 43
$493 39 of United States 6 per cent. loan, at	527 04

3747

And in money, . . .	$53 78		
Ditto, ...	44 06		
		97 84	
			$694 31
To Robert M. Gibbes and Charles Oliver, surviving executors of Robert Oliver, deceased, the following, to wit:			
$357 08 of United States 5 per cent. loan, at		357 08	
$2,717 11 of United States 6 per cent. loan, at		2,902 45	
And in money, . . .	$276 58		
Ditto, ...	16 39		
		292 97	
			$3,552 50
Being for $\frac{4}{7}$ of the alleged interest of George P. Stevenson.			
To Benjamin C. Howard, Charles F. Mayer, and Robert S. Hollins, trustees of Hollins & McBlair, the following, viz.:			
$89 28 of United States 5 per cent. loan, at		89 28	
$650 of United States 6 per cent. loan, at		694 33	
And in money, . . .	$69 15		
Ditto, ...	38 35		
		107 50	
			$891 11
Being for $\frac{1}{7}$ of the alleged interest of George P. Stevenson.			
To Franklin Sullivan and Patrick H. Sullivan, executors of Jno. Sullivan, deceased, the following, viz.:			
$89 28 of United States 5 per cent. loan, at		89 28	
$650 of United States 6 per cent. loan at		694 33	
And in money, ...	69 15		
Ditto, ...	38 35		
		107 50	
			$891 11
Being for the $\frac{1}{7}$ of the alleged interest of George P. Stevenson.			
To the United States for Thomas Sheppard one-seventh part of the alleged interest of George P. Stevenson, the following, viz.:			
$89 28 of United States 5 per cent. loan at		89 28	
$650 of United States 6 per cent. loan at		694 33	
And in money, ...	69 15		

Ditto, ...	38 35			
		107 50		
			891 50	
				$6,920 14
				$156,890 11

And your petitioners further show, that for the payment, transfer, and delivery over of all the aforesaid stocks and money, amounting in the whole to $156,890 11, to the several and respective parties aforesaid, and in the proportions aforesaid, they herewith exhibit and file the several receipts and releases of said parties, and marked Exhibits J, K, L, M, and N.

And as your petitioners expect to receive no further funds on account of this trust, they make this their final report.

All of which is respectfully submitted,
D. M. PERINE,
JOHN GLENN,
Trustees.

BALTIMORE, May 23d, 1850.

Which final report was indorsed as follows, to wit:

1850. Final report and exhibits thereto, of David M. Perine and John Glenn, trustees in the case of Philip E. Thomas and John White, trustees, *v.* Dennis A. Smith and others, and in the cases of the executors of Robert Oliver, and the trustees of Lyde Goodwin, John Gooding, James Williams, and George P. Stevenson and others, in the Court of Appeals of Maryland, 23d May, 1850.

Exhibit A.

In Baltimore County Court, sitting in Equity.

PHILIP E. THOMAS and JOHN WHITE
v.
DENNIS A. SMITH and others.

The petition of John Glenn and David M. Perine, trustees for certain persons in this case, as will more fully appear, upon reference to the deed to them executed on the eighth day of May, 1841, and filed with the proceedings in this cause, respectfully showeth.

That by an act of the Congress of the United States, approved 10th August, 1846, and entitled "An act making an appropriation for the civil and diplomatic expenses of Government, for the year ending the thirtieth of June, eighteen hundred and forty-seven, and for other purposes," there was an appropriation made for paying the principal and interest of the fourth and fifth instalments of the Mexican indemnities, due in April and July, in the year eighteen hundred and forty-four, the sum of three hundred and twenty thousand dollars. Provided, the claimants, each for himself, shall relinquish to the United States his right to said instalments; and provided, further, that each of the claimants shall agree to take in payment the scrip of a stock bearing interest at five per cent., payable in five years; that by the last or eighth report, made by your petitioners to this Court, under date of the 28th of September, 1844, it appears that they have in their possession, as trustees aforesaid, a certain amount of the certificates of the Mexican indemnity, upon which the principal and interest of the fourth and fifth instalments, due in April and July, 1844, remain unpaid, as will more fully appear by reference to their said eighth report, filed in the proceedings in this cause; your petitioners, therefore, as trustees aforesaid, pray the order and direction of this Court in the premises.

JOHN GLENN,
D. M. PERINE,
Trustees.

BALTIMORE, Nov. 24th, 1846.

In Baltimore County Court, sitting in Equity.

The aforegoing petition, having been read and duly considered, the Court is of the opinion that it is clearly the interest of the parties entitled to the Mexican certificates referred to in said petition, to receive the fourth and fifth instalments, due in April and July, 1844, in the scrip of a stock, bearing interest at five per cent., as provided for by the Act of Congress, approved the 10th of August, 1846. It is, therefore, on this 27th day of November, 1846, ordered, adjudged, and decreed by Baltimore County Court, sitting as a Court of Equity, that John Glenn and David M. Perine, trustees for certain persons, as mentioned in the foregoing petition, be and they are hereby authorized, empowered, and directed, to receive and take, as trustees aforesaid, from the Government of the United States, the scrip of a stock, bearing interest at 5 per cent., payable in five years, in payment of the principal and interest of the fourth and fifth instalments of the Mexican indemnity, due in April and July, 1844, as provided for in said Act of Congress; and upon receipt of a stock, as aforesaid, the said John Glenn and David M. Perine, as trustees aforesaid, shall relinquish to the United States their right as trustees aforesaid to said instalments, as required by said Act of Congress.

JOHN C. LEGRAND.

In Baltimore County Court, sitting in Equity.

PHILIP E. THOMAS and JOHN WHITE, Trustees,
v.
DENNIS A. SMITH and others.

The petition of David M. Perine and John Glenn, trustees for certain persons in this case, as will more fully appear upon reference to the deed to them executed on the 8th of May, 1841, and filed with the proceedings in this cause, respectfully showeth, that by the last or tenth report made by your petitioners to this Court, on the 4th day of February, 1847, it appears they have in their possession, as trustees aforesaid, a certain amount of money, to wit, the sum of thirty thousand three hundred and twenty dollars, and seventeen cents ($30,320 17).

That said sum of money was deposited by your petitioners, as trustees of Mexican claimants, in the Mechanics Bank of Baltimore, at the several periods at which the same was received by your petitioners. That no part of the said money has ever been used by your petitioners in any way; but the same has remained in said bank on deposit, as aforesaid, from the time it was so received by your petitioners, to the present day. That as the dispute, which has existed for some time past, as to who is legally entitled to said money may not be finally settled for a long period to come, and as the said money is now unproductive, and will so remain, unless the same be invested by authority of this Court, your petitioners, therefore, consider it their duty to call the attention of the Court to this subject, that it may take such order in the premises as to it may seem proper. All of which is respectfully submitted.

D. M. PERINE,
JOHN GLENN,
Trustees, &c.

Order.

Ordered, this 9th day of April, A.D. 1847, that the trustees filing the within petition be, and they are hereby authorized and directed, to invest the money now in their hands, belonging to the trust, in the stocks or treasury notes of the Government of the United States, at the market value of the same, and to hold said certificates, stocks, or treasury notes, as the case may be, for the benefit of the trust aforesaid.

JOHN C. LEGRAND.

In Baltimore County Court, sitting in Equity.

PHILIP E. THOMAS and JOHN WHITE, Trustees,
v.
DENNIS A. SMITH and others.

The petition of David M. Perine and John Glenn, trustees for certain persons in this case, as will more fully appear upon reference to the deed to them executed on the 8th day of May, 1841, and filed with the proceedings in this cause, respectfully showeth.

That by the last or fourteenth report, made by your petitioners to this Court on the 22d day of November, 1848, it appears that have in their possession, as trustees aforesaid, a certain amount of money, to wit, the sum of ninety-nine thousand eight hundred and sixty dollars and eight cents. That said sum of money was deposited, by your petitioners, at the several periods at which the same was received, as trustees of Mexican claims, in the Mechanics' Bank, of Baltimore, by your petitioners. That no part of the said money has ever been used, by your petitioners, in any way; but the same has remained in the said bank on deposit, as aforesaid, from the time it was so received by your petitioners, to the present day. That as the dispute, which has existed for some time past, as to who is legally entitled to said money, may not be finally settled for some time to come, and, as the said money is now unproductive, and will so remain, unless the same be invested by the authority of this Court, your petitioners, therefore, consider it their duty to call the attention of the Court to this subject, that it may take such order in the premises as to it may seem proper. All of which is respectfully submitted.

D. M. PERINE,
JOHN GLENN,
Trustees.

BALTIMORE, November 22, 1848.

Order.

Ordered, this 27th day of November, 1848, that the trustees filing the within petition be, and they are hereby authorized and directed to invest the money now in their hands belonging to the trust in the stock of the Government of the United States, at the market value of the same, and to hold said certificates of stock for the benefit of the trust aforesaid.

JOHN PURVIANCE.

In testimony that the aforegoing is a true copy taken from the proceedings in the above-mentioned cause.

[SEAL.] I have hereunto subscribed my name, and affixed the seal of Baltimore County Court, this 19th day of April, 1850.

A. W. BRADFORD,
Clerk of Baltimore County Court.

Which Exhibit A is indorsed as follows, to wit: Copies of orders of Baltimore County Court, directing investments by D. M. Perine and John Glenn, trustees, 27th November, 1846, 9th of April, 1847, and 27th November, 1848. Exhibit A to the final report of David M. Perine and John Glenn, trustees.

Exhibit B.

In the Court of Appeals for the Western Shore of Maryland,
June Term, 1849.

In the case of THOMAS & WHITE
v.
DENNIS A. SMITH and others;
and on the appeal,
JAMES W. MCCULLOH, Surviving Trustee
of GEO. P. STEVENSON, Appellant,
v.
CHARLES OLIVER and ROBERT M. GIBBES,
THOMAS OLIVER, Executors of ROBERT
OLIVER and others, Appellees.

This appeal coming on to be heard, and having been fully argued by the counsel for the respective parties, and considered by the Court, and this Court being of opinion that there is no error in the decree of the Court below as to the said appellant.

It is, thereupon, this 23d of June, in the year of our Lord one thousand eight hundred and forty-nine, by this Court, and the authority thereof, ordered, adjudged, and decreed, that the decree of the Court below, from which the above appeal is prayed, be, and the same is hereby in all respects affirmed, without costs, as respects the said appellant, McCulloh, trustee of Stevenson.

THOS. B. DORSEY,
(Signed) ASA SPENCE,
R. N. MARTIN.

Maryland, *sct.*

I, Richard W. Gill, Clerk of the Court of Appeals for the Western Shore of Maryland, do hereby certify that the aforegoing is truly taken from the record and proceedings of the Court of Appeals of the State of Maryland, for the Western Shore of said State.

[SEAL.] In testimony whereof, I have hereunto set my hand as Clerk, and affixed the seal of the said Court of Appeals, this ninth day of May, eighteen hundred and fifty.

RICHARD W. GILL,
Clerk.

Which Exhibit B is indorsed as follows, to wit:

Copy decree of the Court of Appeals, in the case of James W. McCulloh, trustee of George P. Stevenson, dated 23d June, 1849, Exhibit to the final report of David M. Perine and John Glenn, trustees.

Exhibit C.

Court of Appeals, June Term, 1849.

CHARLES OLIVER, ROBERT M. GIBBES, and THOMAS OLIVER, Executors of ROBERT OLIVER and JOHN GLENN, Trustees, &c.,
v.
GEORGE M. GILL, Permanent Trustee of LYDE GOODWIN and others.
Appeal in the case of THOMAS & WHITE *v.* DENNIS A. SMITH and others.

The appeal in this case coming on for hearing, and having been fully argued by the solicitors for the respective parties, has been since fully considered by the Court, and it appearing to the Court that that part of the decree appealed from of the Court below, which directed any portion of the fund in controversy to be transferred or paid to the appellee, George M. Gill, as permanent trustee of Lyde Goodwin, was erroneous, and should be reversed; and it also appearing to the Court that said portion of said fund should be paid over and transferred to the appellants, Charles Oliver, Robert M. Gibbes, and Thomas Oliver, as executors of Robert Oliver, in the proceedings mentioned, together with all accumulations of interest or dividends since accruing upon the same. It is, thereupon, by this Court and the authority thereof, on this twenty-third day of June, in the year one thousand eight hundred and forty-nine, adjudged, ordered, and decreed, that the said decree of the Court below, so far as the same adjudged and decreed any portion of the fund in controversy to be transferred or paid to the said George M. Gill, as permanent trustee of Lyde Goodwin, be and the same is hereby reversed and annulled, and this Court, proceeding to pass such decree in the premises as they are of opinion should have been passed by the Court below, do further adjudge, order, and decree, that all and every part of such portion of said fund so by the Court below decreed to be transferred or paid to said George M. Gill, as trustee aforesaid, be, by the trustees in the proceedings mentioned, David M. Perine and John Glenn, transferred or paid over to the appellants, Charles Oliver, Robert M. Gibbes, and Thomas Oliver, as executors of Robt. Oliver, together with all and every accumulations of interest or dividends, or investments of the same made or accruing, in and upon such part or portion of said fund; and it is further by this Court, and its authority, adjudged and decreed, that all other portions of the decree of the Court below, except such as is hereby reversed, be, and the same is hereby affirmed. It is further adjudged and decreed, that the reversal of the decree of the Court below be without costs.

THOMAS B. DORSEY,
ASA SPENCE.

Maryland, *sct.*

I, Richard W. Gill, Clerk of the Court of Appeals for the Western Shore of Maryland, do hereby certify, that the aforegoing is truly taken from the record of proceedings of the Court of Appeals of the State of Maryland, for the Western Shore of said State.

[SEAL.] In testimony whereof, I have hereunto set my hand, as clerk, and affixed the seal of the said Court of Appeals, this ninth day of May, eighteen hundred and fifty.

RICHARD W. GILL,
Clerk.

Which Exhibit C, is indorsed as follows, to wit:

Copy; Decree of the Court of Appeals in the case of George M. Gill, Trustee of Lyde Goodwin; dated the 23d June, 1849; Exhibit C, to the final Report of David M. Perine and John Gill, Trustees.

Exhibit D.

Nathaniel Williams, Permanent Trustee of
James Williams, Appellant,
v.
Charles Oliver, Robert M. Gibbes, and Thomas
Oliver, Executors of Robert Oliver and others,
Appellees.

Nathaniel Williams, Permanent Trustee of
John Gooding, Appellant,
v.
Charles Oliver, Robert M. Gibbes, and Thomas
Oliver, Executors of Robert Oliver and others,
Appellees.

Hannah C. Williams, Administratrix of
James C. Williams, Appellant,
v.
Charles Oliver, Robert M. Gibbes, and Thomas
Oliver, Executors of Robert Oliver and others,
Appellees.

John M. Gordon, Permanent Trustee of
John W. Stump, Appellant,
v.
Charles Oliver, Robert M. Gibbes, and Thomas
Oliver, Executors of Robert Oliver and others,
Appellees.

In the case of THOMAS & WHITE
v.
DENNIS A. SMITH and others, and on the Appeals of NATHANIEL WILLIAMS, from the Decree in said Cause.

In the Court of Appeals for the Western Shore of Maryland,
June Term, 1849.

The several appeals above-mentioned of Nathaniel Williams, trustee of James Williams, Nathaniel Williams, trustee of John Gooding, of Hannah C. Williams, administratrix of James W. Williams, and John M. Gordon, permanent trustee of John W. Stump, from the decree of the Court below in this cause, having come on for hearing, and having been fully argued by the counsel for the respective parties, and considered by the Court, and this Court being of opinion that there is no error in the decree of the Court below in awarding and decreeing to the said appellees, Robert M. Gibbes, Charles Oliver, and Thomas Oliver, executors of Robert Oliver, for the shares of John Gooding and James Williams, in certificates, the sum of forty-two thousand eight hundred and twenty-seven dollars and seventy-three cents and a third ($42,827 73$\frac{1}{3}$); and, in money, sixteen thousand three hundred and twenty-one dollars and seventy-one cents ($16,321 71), and that the said decree of the Court below ought to be affirmed as against each and all of the above-named appellants.

It is, thereupon, this 23d day of June, in the year of our Lord one thousand eight hundred and forty-nine, by this Court and the authority thereof, upon the said appeal of the said Nathaniel Williams, trustee of James Williams, ordered, adjudged, and decreed, that the said decree of the Court below, awarding and decreeing, as aforesaid, the share of the said James Williams to the said Robert M. Gibbes, Charles Oliver, and Thomas Oliver, executors of Robert Oliver, be and the same is hereby in all respects affirmed without costs, as against the said appellant, trustee of James Williams.

And it is, this 23d day of June, in the year of our Lord one thousand eight hundred and forty-nine, by this Court and the authority thereof, further ordered, adjudged, and decreed, on the appeal of said Nathaniel Williams, trustee of John Gooding, that the said decree of the Court below, awarding and decreeing to the said Robert M. Gibbes, Charles Oliver, and Thomas Oliver, executors of Robert Oliver, as aforesaid, the share of said John Gooding, be, and the same is hereby in all respects, affirmed, without costs, as against said appellant Williams, as trustee of said Gooding.

And it is also, on the day and year aforesaid, and by the authority of this Court, further ordered, adjudged, and decreed, on the appeal of Hannah C. Williams, administratrix of James W. Williams, that the said decree of the Court below, awarding and decreeing to the said Robert M. Gibbes, Charles Oliver, and Thomas Oliver, executors of Robert Oliver as aforesaid, the share of said James Williams, be and the same is hereby in all respects affirmed without costs, as against the said appellant.

And it is further ordered, adjudged, and decreed, by the authority aforesaid, on the appeal of said John M. Gordon, permanent trustee of John W. Stump, that the said decree of the Court below, awarding and decreeing, as aforesaid, the share of said James Williams to the said Robert M. Gibbes, Charles Oliver, and Thomas Oliver, executors of Robert Oliver, be and the same is hereby in all respects affirmed without costs, as against the said appellant.

And it is further ordered, adjudged, and decreed, by the authority aforesaid, that the said appellees and trustees, John Glenn and David M. Perine, pay to the said Robert M. Gibbes, Charles Oliver, and Thomas Oliver, executors of Robert Oliver, the aforesaid amount in certificates, and the aforesaid amount in money, decreed to the said executors by the aforesaid decree of the Court below, for the shares of John Gooding and James Williams, together with all interest, profits, or accumulations thereon, which may have arisen and been received by them, the said trustees, on account of said certificates, or on account and from any investment of any proceeds of the same, or any investment of the said proceeds of the said sum decreed to be paid in money, which may have been made under the order and direction of the Court below.

THOS. B. DORSEY,
ASA SPENCE,
R. A. MARTIN.

Maryland, *sct.*

I, Richard W. Gill, clerk of the Court of Appeals for the Western Shore of Maryland, do hereby certify, that the aforegoing is truly taken from the record of proceedings of the Court of Appeals of the State of Maryland, for the Western Shore of said State.

[SEAL.] In testimony whereof, I have hereunto set my hand as clerk, and affixed the seal of the said Court of Appeals, this ninth day of May, eighteen hundred and fifty.

RICHARD W. GILL,
Clerk.

Which Exhibit D is indorsed as follows, to wit: 1849. Copy Decree of the Court of Appeals, in the case of Nathaniel Williams, trustee of James Williams, and trustee of John Gooding, and Hannah C. Williams, administratrix, James W. Williams, and John M. Gordon, trustee of John W. Stump, dated 23d June, 1849. Exhibit D, to the final report of D. M. Perine and John Glenn, trustees.

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Exhibit E.

In Court of Appeals for the Western Shore of Maryland.
June Term, 1849.

In the case of THOMAS & WHITE
v.
SMITH and others;
And on the appeal of THOMAS P. ALRICKS,
Permanent Trustee of LYDE GOODWIN,
Appellant,
v.
CHARLES OLIVER, ROBERT M. GIBBES, and
THOMAS OLIVER, Executors of ROBERT
OLIVER and others, Appellees.

This appeal coming on for hearing, and having been fully argued by the counsel for the respective parties, and considered by the Court, and this Court being of opinion that there is no error in the decree of the Court below, as to the said appellant.

It is thereupon, this twenty-third (23d) of June, in the year of our Lord one thousand eight hundred and forty-nine, by this Court and the authority thereof, ordered, adjudged, and decreed, that the decree of the Court below from the which the above appeal is prayed, be and the same is hereby in all respects affirmed without costs, as against the said Thomas P. Alricks, permanent trustee of Lyde Goodwin.

(Signed) THOS. B. DORSEY,
ASA SPENCE,
R. A. MARTIN.

Maryland, *sct.*

I, Richard W. Gill, clerk of the Court of Appeals for the Western Shore of Maryland, do hereby certify, that the aforegoing is truly taken from the record and proceedings of the Court of Appeals of the State of Maryland, for the Western Shore of said State.

[SEAL.] In testimony whereof, I have hereunto set my hand as clerk, and affixed the seal of the said Court of Appeals, this ninth day of May, eighteen hundred and fifty.

RICHARD W. GILL,
Clerk.

Which Exhibit E is indorsed as follows, to wit: 1849. Copy decree of the Court of Appeals, in the case of Thomas P. Alricks, trustee of Lyde Goodwin, dated 23d June, 1849. Exhibit E to the final report of D. M. Perine and John Glenn, trustees.

Exhibit J.

Know all men by these presents, that I, Reverdy Johnson, do hereby acknowledge, that I have this day received from David M. Perine and John Glenn, trustees for certain Mexican trust funds, the following stocks and money, to wit:

$1815 19 of United States 5 per cent. stock, at .	$1855 19
$14,750 of United States 6 per cent stock, at . .	15,747 32
And in money, the sum of	1456 64
	$19,059 15

And which was received by me on account and in pursuance of certain decrees and attachments issued by the Court of Appeals of Maryland, in certain cases in said Court, in which the said trustees, and the executors of Robert Oliver, and the trustees of Lyde Goodwin, John Gooding, James Williams, and George P. Stevenson and others were parties, as will more fully appear by reference to the proceedings had in said Court in said cases, and in the case of Thomas and White *v.* Dennis A. Smith and others, and which amount to nineteen thousand and fifty-nine dollars and fifteen cents, so received by me as aforesaid, was on account of the following cases, and in the following proportions, viz.:

For 15 per cent. of the portion formerly held by said trustees on account of the claim of Lyde Goodwin's legal representatives for 5 per cent. commission, viz.:

$386 25 of U. States 5 per cent. loan, at	$386 28	
$3,024 06 of U. States 6 per cent. loan, at	3,228 48	
And in money, ...	292 84	
		$3,907 60

For 15 per cent. for the portion formerly held by said trustees on account of the share of Lyde Goodwin, viz.:

$599 78 of U. States 5 per cent. loan, at	$599 78	
$4,813 98 of U. States 6 per cent. loan, at	5,139 34	
And in money, ...	456 84	
		6,195 96

For 10 per cent. of the portion formerly held by said trustees on account of the share of John Gooding, viz.:

$399 85 of U. States 5 per cent. loan, at	$399 85	
$3,209 30 of U. States 6 per cent. loan, at	3,426 23	
And in money, ...	304 56	
		4,130 64

For 10 per cent. of the portion formerly held by said trustees on account of the share of James Williams, viz.:

$399 85 of U. States 5 per cent. loan, at	$399 85	
$3,209 30 of U. States 6 per cent. loan, at	3,426 83	
And in money, ...	304 56	
		4,130 64
For 10 per cent. of the portion formerly held by said trustees for the alleged interest of George P. Stevenson, viz.:		
$69 43 of U. States 5 per cent. loan, at	$69 43	
$493 39 of U. States 6 per cent. loan, at	527 04	
And in money, ...	97 84	
		691 34
		$19,059 15

And in consideration whereof, I do hereby release and acquit, exonerate and discharge the said David M. Perine and John Glenn, trustees as aforesaid, their heirs, executors, and administrators, and each and every and all of them of and from all and every action, suit, claim, or demand, which could or might possibly be brought, exhibited, or prosecuted against them, or either or any of them, for or on account of the said stocks and money, amounting in all to nineteen thousand and fifty-nine dollars and fifteen cents as aforesaid, or the payment thereof, hereby declaring that the whole of the same has been transferred, assigned, and delivered over to me, as aforesaid. Given from under my hand and seal, this eleventh day of April, in the year eighteen hundred and fifty.

REVERDY JOHNSON, [SEAL.]

Signed, sealed, and delivered
in the presence of
R. B. TANEY.

On the 19th day of April, in the year eighteen hundred and fifty, before the subscriber, Chief Justice of the Supreme Court of the United States, personally appeared Reverdy Johnson, party to the above release or instrument of writing, and acknowledged the same to be his act and deed, according to the true intent and meaning thereof.

Acknowledged before
R. B. TANEY.

Which Exhibit J, is indorsed as follows, to wit:

1850. Release. Reverdy Johnson to David M. Perine and John Glenn, trustees, $19,059 15, dated 11th April, 1850, Exhibit J to the final report of David M. Perine, and John Glenn, trustees.

Exhibit K.

Know all men by these presents, that we, Robert M. Gibbes and

Charles Oliver, surviving executors of Robert Oliver, deceased, do hereby acknowledge that we have this day received from David M. Perine and John Glenn, trustees for certain Mexican trust funds, the following stocks and money, to wit:

$13,142 20 of United States 5 per cent. loan, at	$13,142 20
$104,900 of United States 6 per cent. stock, at .	111,992 13
And in money, ...	10,023 30
	$135,157 63

And which was received by us as surviving executors of Robert Oliver, as aforesaid, on account an in pursuance of certain decrees and attachments issued by the Court of Appeals of Maryland, in certain cases in said Court, in which the said trustees and the executors of Robert Oliver, and the trustees of Lyde Goodwin, John Gooding, James Williams, and George P. Stevenson and others, were parties, as will more fully appear by reference to the proceedings had in said Court, in said cases, and in the case of Thomas and White *v.* Dennis A. Smith, and others. And which amount to one hundred and thirty-five thousand one hundred and fifty-seven dollars and sixty-three cents, received by us as aforesaid, was on account of the following cases, and in the following proportions, viz.:

For that portion of the fund formerly held by the said trustees on account of the claim of Lyde Goodwin's legal representatives for 5 per cent. commission, the following, viz.:		
$2188 95 of United States 5 per cent. loan, at	$2,188 95	
$17,136 37 of United States 6 per cent. loan, ...	18,294 78	
And in money, ...	1,659 39	
		22,143 12
For that portion of the fund formerly held by the said trustees on account of the share of Lyde Goodwin, the following, viz.:		
$3,398 77 of United States 5 per cent. loan, at	$3,398 77	
$27,279 08 of United States 6 per cent. loan, at	29,122 90	
And in money, ...	2,588 80	
		$35,110 47
For that portion of the fund formerly held by the said trustees on account of the share of Jno. Gooding, the following, viz.:		

$3,598 70 of United States 5 per cent. loan, at	$3,598 70	
$28,883 72 of United States 6 per cent. loan, at	$30,836 00	
And in money,	2,744 07	
		$37,175 77
For that portion of the fund formerly held by the said trustees on account of the share of James Williams, the following, viz.:		
$3,598 70 of United States 5 per cent. loan, at	$3,598 70	
$28,883 72 of United States 6 per cent. loan, at	30,836 00	
And in money,	2,741 07	
		$37,175 77
For that portion of the fund formerly held by the said trustees on account of the alleged interest of George P. Stevenson in the fund, the following, viz.:		
$357 08 of United States 5 per cent. loan, at	$357 08	
$2,717 11 of United States 6 per cent. loan, at	2,902 45	
And in money,	292 97	
		$3,552 50
		$135,157 63

And in consideration whereof, we do hereby release, acquit, exonerate, and discharge the said David M. Perine and John Glenn, trustees as aforesaid, their heirs, executors, and administrators, and each and every and all of them, of and from all and every action, suit, claim, or demand, which could or might possibly be brought, exhibited or prosecuted against them, or either or any of them, for or on account of the said stocks and money, amounting in all to one hundred and thirty-five thousand, one hundred and fifty-seven dollars and sixty-three cents as aforesaid, or any the payment thereof, hereby declaring that the whole of the same has been wholly transferred, assigned, and delivered over to us as surviving executors of Robert Oliver, deceased as aforesaid. Given from under our hands and seals, this eleventh day of April, in the year eighteen hundred and fifty.

ROBERT M. GIBBES, [SEAL.]
CHARLES OLIVER, [SEAL.]
By his Attorney in fact,
R. M. GIBBES.

Signed, sealed, and delivered –
in the presence of
JOHN NEILSON, JR.,
THOS. S. GIBBES.

State of New York, City of New York, *ss.*

Be it remembered, and it is hereby certified, that on the sixth day of May, in the year eighteen hundred and fifty, before me the subscriber, a notary public in and for said city and state, duly commissioned and qualified according to law, and residing in said city, personally appeared Robert M. Gibbes, a party to the above release or instrument of writing, and acknowledged the same to be his act and deed according to the true intent and meaning thereof. And the said Robert M. Gibbes also at the same time, as the attorney in fact for the said Charles Oliver, the other of the parties to the said release or instrument of writing, acknowledged the same to be the act and deed of the said Charles Oliver, according to the true intent and meaning thereof. And I do further certify that I am satisfied that the said Robert M. Gibbes, who has so acknowledged the above release in manner and form aforesaid, is the person named and described as, and professing to be the party in and to the said release.

In testimony whereof, I have hereunto subscribed my name, and affixed my notarial seal, this sixth day of May, eighteen hundred and fifty.

[SEAL.] JOHN NEILSON, JR.,
Not. Pub.

Which Exhibit K is indorsed as follows, to wit: 1850. Release, Robert M. Gibbes and Charles Oliver surviving executors of Robert Oliver, deceased, to David M. Perine and John Glenn, trustees, &c., $135,157 63. Exhibit K, to the final report of David M. Perine and John Glenn, trustees.

Exhibit L.

Know all men by these presents, that we Benjamin C. Howard, Charles F. Mayer, and Robert S. Hollins, trustees of Hollins and McBlair, do hereby acknowledge that we have this day received from David M. Perine and John Glenn, trustees for certain Mexican trust funds, the following stocks and money, being so much which was ordered to be paid to us for the said Hollins and McBlair's one-seventh part of certain funds in the hands of said Perine and Glenn, as trustees aforesaid, by Baltimore County Court, sitting as a Court of Equity, on the 5th day of December, 1846, in the case of Thomas and White against Dennis A. Smith and others, and which order or decree of said Court was affirmed by the Court of Appeals of Maryland, on the 23d day of June, 1849, viz.:

$89 28 of United States 5 per cent. loan, at	$89 28
$650 of United States 6 per cent. loan, at	694 33
And in money, ...	107 50
	$891 11

And in consideration whereof, we do hereby release, acquit, exonerate, and discharge the said David M. Perine and John Glenn, trustees as aforesaid, their heirs, executors, and administrators, and each and every and all of them, of and from all and every action, suit, claim, or demand, which could or might possibly be brought, exhibited, or prosecuted against them or either or any of them, for or on account of the said stocks and money, amounting in all to eight hundred and ninety-one dollars and eleven cents as aforesaid, hereby declaring that the whole of the same has been fully transferred, assigned, and delivered over by said Perine and Glenn, trustees as aforesaid, to us, as trustees of Hollins and McBlair aforesaid.

Given from under our hands and seals this eleventh day of April, eighteen hundred and fifty.

BENJ'N C. HOWARD, [SEAL.]
CHARLES F. MAYER, [SEAL.]
ROB'T S. HOLLINS, [SEAL.]
Trustees.

Signed, sealed, and delivered
in the presence of
R. B. TANEY.
As to ROB'T S. HOLLINS,
JOHN J. SNYDER.

On the twentieth day of April, in the year eighteen hundred and fifty, before the subscriber, Chief Justice of the Supreme Court of the United States, personally appeared Benjamin C. Howard and Charles F. Mayer, two of the parties to the above release or instrument of writing, and acknowledged the same to be their act and deed, according to the true intent and meaning thereof. Acknowledged before (the words "and Charles F. Mayer" first interlined).

R. B. TANEY.

State of Maryland, Baltimore City, *sct.*

On this 20th day of April, A. D. 1850, before the subscriber, a justice of the peace in and for the said city, personally appeared Robert S. Hollins, one of the parties to the above release or instrument of writing, and acknowledged the same to be his act and deed, according to the true intent and meaning thereof.

Acknowledged before
JOHN J. SNYDER.

Which said Exhibit L, is indorsed as follows, to wit:

1850. Release; Benjamin C. Howard and others, trustees of Hollins and McBlair to David M. Perine and John Glenn, trustees, $891 11, dated 11th of April, 1850. Exhibit L, to the final report of David M. Perine and John Glenn, trustees.

Exhibit M.

Know all men by these presents, that we, Franklin Sullivan and Patrick H. Sullivan, executors of John Sullivan, deceased, do hereby acknowledge that we have this day received from David M. Perine and John Glenn, trustees for certain Mexican trust funds, the following stocks and money, being so much which was ordered to be paid to the said John Sullivan (now deceased), for his one-seventh part of certain funds in the hands of said Perine and Glenn as trustees aforesaid, by Baltimore County Court, sitting as a Court of Equity, on the 5th day of December, 1846, in the case of Thomas and White against Dennis A. Smith and others, and which order or decree of said Court was affirmed by the Court of Appeals of Maryland, on the 23d day of June, 1849, viz.:

$89 28 of 5 per cent. loan United States, at . .	$89 28
$650 of United States 6 per cent. loan, at . .	694 33
And in money, ...	107 50
	$891 11

And in consideration whereof, we do hereby release, acquit, exonerate, and discharge the said David M. Perine and John Glenn, trustees as aforesaid, their heirs, executors, and administrators, and each and every and all of them, of and from all and every action, suit, claim, or demand, and which could or might possibly be brought, exhibited, or prosecuted against them or either or any of them, for or on account of the said stocks and money, amounting in all to eight hundred and ninety-one dollars and eleven cents as aforesaid, hereby declaring that the whole of the same has been fully transferred and delivered over by said Perine and Glenn, trustees as aforesaid, to us as the executors of said John Sullivan, deceased as aforesaid. Given from under our hands and seals this eleventh day of April, in the year eighteen hundred and fifty.

FRANKLIN SULLIVAN, [SEAL.]
PATRICK H. SULLIVAN, [SEAL.]
Executors.

Signed, sealed, and delivered
in the presence of
John J. Snyder.

Baltimore City, *ss.*

Be it remembered, and it is hereby certified that, on the 17th day of April, in the year eighteen hundred and fifty, before me the subscriber, one of the justices of the peace of the State of Maryland, in and for the said city, personally appeared Franklin Sullivan and Patrick H. Sullivan, executors of John Sullivan deceased, the parties to the above release or instrument of writing, and acknowledged the same to be their act and deed, according to the true intent and meaning thereof.

Acknowledged before,
JOHN J. SNYDER.

Which Exhibit M is indorsed as follows, to wit:

1850. Release. Franklin Sullivan and Patrick H. Sullivan, executors, John Sullivan, to David M. Perine and John Glenn, trustees, &c., $891 11, April 11th, 1850. Exhibit M, to the final report of David M. Perine and John Glenn, trustees.

Exhibit N.

Received from David M. Perine and John Glenn, trustees of Mexican claims, the following stock and money, being so much which was ordered to be paid to the United States for Thomas Sheppard's one-seventh part of certain funds in the hands of said trustees, by Baltimore County Court, sitting as a Court of Equity, on the 5th day of December, 1846, in the case of Thomas and White against Dennis A. Smith and others, and which order or decree of said Court was affirmed by the Court of Appeals of Maryland, on the 23d of June, 1849.

$89 28 of United States 5 per cent. loan, charged to the trustees at	$89 28
$650 of United States 6 per cent. stock, charged to the trustees at	694 33
And in money, ...	107 50
	$891 11

Comptroller of the Treasury of the United States, May 22d, 1850.

ELISHA WHITTLESEY.

Which Exhibit N is indorsed as follows, to wit:

1850. Receipt. Elisha Whittlesey, comptroller of the Treasury of the United States, to David M. Perine and John Glenn, trustees, $891 11, dated 22d May, 1850. Exhibit N, to the final report of David M. Perine and John Glenn, trustees.

And be it further remembered, that heretofore, to wit, on the twenty-third day of March, in the year of our Lord one thousand eight hundred and fifty, Robert Oliver's executors, by Reverdy Johnson, their attorney, prosecuted and sued forth out of the Court of Appeals here, a writ of the State of Maryland of attachment for contempt, to the sheriff of the City of Baltimore directed, in the words and figures following, to wit:

Attachment.

Maryland, *sct.*

The State of Maryland to the Sheriff of Baltimore City, greeting:

[SEAL.] Whereas, upon a bill filed on the equity side of Baltimore County Court, on the fourth day October, eighteen hundred and fifty-one, by Philip E. Thomas and others, complainants, against Dennis A. Smith and others, defendants, it was so proceeded in, that afterwards, to wit, on the fifth day of December, eighteen hundred and forty-six, the said Court ordered, adjudged, and decreed, that the fund then in the hands of the trustees, David M. Perine and John Glenn, should be distributed in part as follows, that is to say, to Charles Oliver, Robert M. Gibbes, and Thomas Oliver, executors of Robert Oliver, for three-sevenths of the amount retained to meet the claim of McCulloh, trustee of George P. Stevenson, in certificates, one thousand five hundred and ninety-three dollars and sixty-seven cents; and in money, five hundred and forty-two dollars sixty-six cents, whereof the said David M. Perine and John Glenn, trustees as aforesaid, are convict, as by inspecting the record of proceedings of the same Court, brought before the Court of Appeals for the Western Shore at the City of Annapolis, by reason errors alleged to have been therein, manifestly appears.

And whereas, it hath been ordered, adjudged, and decreed, in the said Court of Appeals, at the City of Annapolis aforesaid, on the twenty-third day of June, eighteen hundred and forty-nine, that the said part of said recited decree, given in form aforesaid, be affirmed without costs, as respects James W. McCulloh, surviving trustee of George P. Stevenson, as of record it appeareth.

And whereas, afterwards, to wit, on the twelfth day of March, eighteen hundred and fifty, Robert M. Gibbes and Charles Oliver, surviving executors of Robert Oliver, deceased, the said Thomas Oliver being then dead, as has been suggested in this Court, filed their petition in this Court, alleging that the said petitioners had applied to the said David M. Perine and John Glenn for the performance of the said decree as aforesaid, and that they have declined to perform the same, and they, therefore, prayed that an attachment might issue against the said David M. Perine and John Glenn, to compel the performance of the said decree, and that they might have all such other and further relief as their case entitles them to; upon consideration whereof, the Court here ordered that the said David

M. Perine and John Glenn, on or before the twentieth day of March, eighteen hundred and fifty, show cause why the prayer of the said petitioner should not be granted, provided notice be served on them on or before the seventeenth of March aforesaid; and thereupon, the said David M. Perine and John Glenn filed their answers to the said petition, admitting their readiness to perform the said decree, but for certain reasons therein stated, they had not performed the same, praying the protection of the Court in the matter of the decree aforesaid.

Upon consideration whereof, it is, this twenty-second day of March, eighteen hundred and fifty, ordered and decreed by the said Court of Appeals here, that an attachment for a contempt, for omitting to execute the said decree of this Court, be issued against the said David M. Perine and John Glenn.

Therefore, you are hereby commanded, that you attach the bodies of David M. Perine and John Glenn, if they shall be found within your bailiwick, and them safe keep, so that you have them before the Court of Appeals, to be held at the City of Annapolis the second Monday in June next, to answer as well touching a certain contempt by them committed, in not performing nor executing the decree of this Court aforesaid against them, in the said Court adjudged and ordered, as to such other matters and things as shall be then and there alleged against them. Hereof fail not, as you will answer the contrary at your peril. Witness the Honorable Thomas Beale Dorsey, Chief Judge of the Court of Appeals, this twenty-third day of March, Anno Domini eighteen hundred and fifty.

R. J. R. W. GILL,
Clerk.

Which said writ of attachment was thereon indorsed as follows, to wit:

No. 21. June T., 1850. Robert M. Gibbes and Charles Oliver, surviving executors of Robert Oliver, for the use of Reverdy Johnson, as to 10 per cent. on the amount, &c., within mentioned, *v.* David M. Perine and John Glenn.

Attachment for contempt in the case of George P. Stevenson's trustee, Exhibit H, to the final report of David M. Perine and John Glenn, trustees.

And be it further remembered, that heretofore, to wit, on the twenty-third day of March, in the year of our Lord one thousand eight hundred and fifty, Robert Oliver's executors, by Reverdy Johnson, their attorney, prosecuted and sued forth out of the Court of Appeals here, a writ of the State of Maryland, of attachment for contempt, to the Sheriff of the City of Baltimore, directed in the words and figures following, to wit:

Attachment.

State of Maryland, *sct.*

The State of Maryland to the Sheriff of the City of Baltimore, greeting:

[SEAL.] Whereas, upon a bill filed on the equity side of Baltimore County Court, on the fourth day of October, eighteen hundred and forty-one, by Philip E. Thomas and others, complainants, against Dennis A. Smith and others, defendants, it was so proceeded in, that afterwards, to wit, on the fifth day of December, eighteen hundred and forty-six, the said Court ordered, adjudged, and decreed, that the fund then in the hands of the trustees, David M. Perine and John Glenn, should be distributed in part as follows, that is to say, to Charles Oliver, Robert M. Gibbes, and Thomas Oliver, executors of Robert Oliver, for the shares of John Gooding and James Williams, in certificates, forty-two thousand eight hundred and twenty-seven dollars seventy-three and one-third cents, and in money, sixteen thousand three hundred and twenty-one dollars and seventy-one cents, whereof the said David M. Perine and John Glenn, trustees as aforesaid, are convict, as by inspecting the record of proceedings of the same Court, brought before the Court of Appeals for the Western Shore, at the City of Annapolis, by reason of errors alleged to have been therein, manifestly appears.

And whereas it hath been ordered, adjudged, and decreed, in the said Court of Appeals, at the City of Annapolis aforesaid, on the twenty-third day of June, eighteen hundred and forty-nine, that the said part of said recited decree given in form aforesaid, ought to be affirmed as against Nathaniel Williams, permanent trustee of James Williams, Nathaniel Williams, permanent trustee of John Gooding, Hannah C. Williams, administratrix of James W. Williams, John M. Gordon, permanent trustee of John W. Stump; and it is further ordered, adjudged, and decreed by the said Court of Appeals here, that the said trustees, John Glenn and David M. Perine, pay to the said Robert M. Gibbes, Charles Oliver, and Thomas Oliver, executors of Robert Oliver, the aforesaid amount in certificates, and the aforesaid amount in money, decreed to the said executors by the aforesaid decree of the Court below, for the shares of John Gooding and James Williams, together with all interest, profits, or accumulations thereon, which may have arisen and been received by them, the said trustees, on account of said certificates, or on account and from any investment of any proceeds of the same, or any investment of the said proceeds, or of the said sum decreed to be paid in money which may have been made under the order and direction of the Court below, whereof the said David M. Perine and John Glenn are convict, as of record it likewise appeareth.

And whereas, afterwards, to wit, on the twelfth day of March, eighteen hundred and fifty, Robert M. Gibbes and Charles Oliver, surviving executors of Robert Oliver, deceased, the said Thomas, Oliver being then dead, as has been suggested in this Court, filed their petition in this Court, alleging that the petitioners had applied to the said David M. Perine and John Glenn for the performance of the said decree as aforesaid, and that they have declined to perform the same, and they therefore prayed that an attachment might issue against the said David M. Perine and John Glenn to compel the performance of the said decree, and that they might have all such other and further relief as their case entitles them to.

Upon consideration whereof, the Court here ordered that the said David M. Perine and John Glenn, on or before the twentieth March, eighteen hundred and fifty, show cause why the prayer of the said petitioner should not be granted, provided notice be served on them on or before the seventeenth day of March aforesaid; and thereupon the said David M. Perine and John Glenn filed their answers to the said petition, admitting their readiness to perform the said decree, but for certain reasons therein stated they had not performed the same, and praying the protection of the Court in the matter of the decree aforesaid; upon consideration whereof, it is, this twenty-second day of March, eighteen hundred and fifty, ordered and decreed, by the said Court of Appeals here, that an attachment for a contempt for omitting to execute the said decree of this Court be issued against the said David M. Perine and John Glenn.

Therefore you are hereby commanded, that you attach the bodies of David M. Perine and John Glenn, if they shall be found within your bailiwick, and them safe keep, so that you have them before the Court of Appeals, to be held at the City of Annapolis on the second Monday in June next, to answer as well touching a certain contempt by them committed in not performing nor executing the decree of this Court aforesaid, against them in the said Court adjudged and decreed, as to such other matters and things as shall be then and there alleged against them. Hereof fail not, as you will answer the contrary at your peril. Witness, the Honorable Thomas Beale Dorsey, Chief Judge of the Court of Appeals, this twenty-third day of March, Anno Domini, eighteen hundred and fifty.

R. W. GILL,
Clerk.

R. J.

Which said writ of attachment was thereon indorsed as follows, to wit:

No. 20. June Term, 1850. Robert M. Gibbes and Charles Oliver, surviving executors of Robert Oliver, for the use of Reverdy Johnson, as to ten per cent. on the amount, &c., within-mentioned, *v.* David M. Perine and John Glenn.

Attachment for contempt in the case of John Gooding and James Williams' Trustees.

Exhibit G to the final report of David M. Perine and John Glenn, trustees.

And now, at this 24th day of May, in the year of our Lord, one thousand eight hundred and fifty, comes into the Court of Appeals here, the said D. M. Perine and John Glenn, and file the aforesaid attachment, marked Exhibit H, and return their final report thereto with their aforesaid exhibits hereinbefore set forth.

I, William A. Spencer, Clerk of the Court of Appeals, of Maryland, do hereby certify that the aforegoing is truly taken from the record of proceedings of the Court of Appeals aforesaid.

[SEAL.] In testimony whereof I have hereunto set my hand as clerk, and affix the seal of the said Court of Appeals, this seventh day of December, eighteen hundred and fifty-five.

WILLIAM A. SPENCER,
Clerk.

On the 22d day of December, 1855, G. L. Dulany, Esquire, on behalf of the complainant, and J. M. Campbell, Esquire, on behalf of the defendants, appeared before the master, pursuant to notice and the said

3. *Examination of David M. Perine on behalf of the Complainant.*

David M. Perine, being further examined, on behalf of the complainant, by Grafton L. Dulany, Esquire, on the interrogatory herein set forth, deposed, answered, and said, as follows, to wit:

Interrogatory. Look at the copy of the record now shown you, marked Complainant's Exhibit, G. L. D., No. 1, and state whether it contains the orders, decrees, and attachments, under which the money and funds were paid and delivered by you and your co-trustee, as is stated and referred in your former examination? Have you not in your possession, as agent of the defendants, a copy of the same record, substantially as that of the one now shown to you? Is the copy in your possession one of the copies, the cost of which is included in the accounts heretofore produced by you of sums paid by the executors of Oliver, on account of the shares of James Williams and John Gooding?

Answer. The paper now shown to me, marked Complainant's Exhibit, G. L. D., No. 1, contains a copy of the orders, decrees, and attachments, under which the money and funds were paid and delivered by me and my co-trustee, as referred to in my former examination in these cases. I have in my possession, as agent of the defendants, a copy of what purports to be taken from the record of proceedings of the Court of Appeals of the State of Maryland, of which said orders, decrees, and attachments form a part, but on comparing the paper now shown to me, marked Complainant's Exhibit, G. L. D., No. 1, with the said copy in my possession as aforesaid, I find there is some difference, as the one in my possession contains copies of some papers which I do not find in the said paper marked Complainant's Exhibit, G. L. D., No. 1; that is to say, the answers of J. Glenn and this deponent, as trustees, to the petition of the executors of Robert Oliver, filed the 12th March, 1850. Also the petition of George M. Gill, permanent trustee of Lyde Goodwin, of the 26th March, 1850. Also the opinion or order of the Court of Appeals of Maryland, on the "motion to prohibit the issuing of an attachment on the petition of G. M. Gill." Also what appears to be a certain admission of service, dated the 14th March, 1850, and signed "G. L. Dulany, Solicitor for Williams, Gill, and Alricks, trustees, &c. &c." of the petition filed by the executors the 12th March, 1850. Also a certain acknowledgment in writing, dated 14th March, 1850, and signed "Wm. Schley," of a certain notice having been given to him by John Glenn, Esquire. There is also some difference between the record in possession of this deponent, and the one now shown to him marked Complainant's Exhibit, G. L. D., No. 1, in that some of the papers in the one are copied in a different succession of order from what they are in the other. With the exceptions thus stated above, this deponent believes the record in his possession, as aforesaid, is substantially the same as that of the one now shown to him, marked "Complainant's Exhibit, G. L. D., No. 1." The deponent further states, that one-half of the cost of the copy, in his possession as aforesaid, is included in the accounts heretofore produced of sums paid, by the executors of Oliver, on account of the shares of James Williams and of John Gooding; that is to say, one-fourth to each.

Thereupon the solicitors for the defendants filed with the master the following exceptions, to wit:

Defendant's Exceptions to the Admissibility of the Record of the Court of Appeals, offered by the Complainant.

WILLIAMS' ADMINISTRATOR
v.
OLIVER'S EXECUTORS.

GOODING'S ADMINISTRATOR
v.
OLIVER'S EXECUTORS.

The defendants in these cases except to the admissibility of the record of the Court of Appeals, offered in evidence by the plaintiffs.

Because the same is on the face of it not a full record.

Because it is proved by plaintiffs' own witness (Perine) not to be a full record.

Because it is wanting in the several particulars detailed by the witness, Perine, in his testimony in regard to it.

REVERDY JOHNSON,
J. M. CAMPBELL.

Afterwards the solicitors for the defendants requested that Nathaniel Williams should be examined as a witness on behalf of the defendants, and the Master fixed the 29th day of December 1855, for taking the evidence of the said witness, and gave notice thereof to the solicitors of the respective parties.

On the 29th day of December, 1855, G. L. Dulany, Esquire, on behalf of the complainant, and J. Mason Campbell, Esquire, on behalf of the defendants, appeared before the Master, and Nathaniel Williams was produced as a witness on behalf of the defendants; and the said Nathaniel Williams having been by the first carefully examined and cautioned, and duly sworn to testify the whole truth, and being examined on behalf of the defendants by J. M. Campbell, Esquire, on the questions herein set forth, deposed, answered, and said as follows, to wit:

Nathaniel Williams, Witness for Defendants.

Question. Are you the Nathaniel Williams, who, as permanent trustee in the insolvency of James Williams and John Gooding, set up claims in that character to the proceeds of said James Williams and John Gooding's shares in the Mexican Company of Baltimore, in the Equity suit of White and Thomas *v.* Glenn, Perine, and others?

Answer. I answer the question in the affirmative.

Question. Were the proceedings in said cause on said claims in your name instituted of your own mere motion, or at the request of any of the creditors of said Williams or Gooding? Who bore the costs and expenses of said proceedings from first to last?

Answer. They were instituted on my own motion, and not on any special application of any of the creditors. Some of the creditors were advised of the matter during its progress, and a large claim against both estates was left with me. I think in the case of James Williams there was money enough on hand to pay the expenses; assets belonging to the estate. In Gooding's case there was not fifty dollars in hand, and I bore the expenses myself, beyond what there was.

Question. Were you aware at the time of the institution of those proceedings, that said Williams and Gooding were dead? State, if you know it, who are their distributees. Were any of them, and which of them, aware of the institution of those proceedings during the course of them?

Answer. I was aware of the death of both of them. John Gooding left a large family of children. The eldest is named John; a daughter, who married, I think, a man by the name of Dorsey; and there are others whose names I cannot recollect. I know that James Williams had children, but don't know their names. I don't know personally, that any of Williams' children had any knowledge of the matter, but heard that they had conversed about it. I saw John Gooding, and conversed with him about the said proceedings.

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Question. Have you rendered any, and if yea, what professional services to the complainants in these cases? Are you bound to render them any?

Answer. I am associated with Mr. Dulany to some extent in both cases, and he has frequently conversed with me about them; but I am not expected to take any part in the argument, or prepare the pleadings, or attend the taking of evidence.

Question. Were you, or are you, in any manner or to any extent liable for the costs and expenses of these cases, if lost?

Answer. I am not, I believe.

Question. Have you entered into any contract with the complainants in these cases, or any one for them, by which you are, in case of recovery, to receive any part of what may be recovered? State such contracts, if in parol; or produce them, if in writing, and say, if such be the only contracts between you and the complainants?

Answer. I am to share in a portion of the fee, in case there is a recovery; the contract is in writing, and is now in the Chesapeake Bank.

Question. What was the consideration on your part for the contracts proved by you in your answer to the last preceding question?

Answer. The consideration was to a small extent such professional services as I might render; but the chief consideration that induced Mr. Dulany to enter into said contract, in my opinion, was, that Mr. Dulany, who had been one of my counsel in the two cases in the County Court, Court of Appeals, and Supreme Court of the United States, had, by his advice to George M. Gill, the trustee of Lyde Goodwin, prevented a compromise of the three cases, while pending and undecided in the Court of Appeals. The representatives of the Olivers refused to compromise my two cases, or either of them, unless the whole three were compromised. I agreed to compromise on the terms offered by the Olivers, which were: to divide the proceeds equally. Mr. Gill refused, and, as I then understood, upon the advice of his counsel, Mr. Dulany; and it is my conviction, that it was owing to the opinion and advice of Mr. Dulany to Mr. Gill that the three cases were not compromised on those terms. All the other counsel on both sides advised the compromise, as also did the Judges of the Court of Appeals. The compromise not being effected, all the cases were decided against the complainants in the Court of Appeals, and in the Supreme Court of the United States. Had the compromise been made, I would have derived great profits from commissions and otherwise, as representing creditors. I learned afterwards from a common friend, that Mr. Dulany had expressed himself grieved at my having lost that chance of profiting by the compromise. In my own mind I am satisfied that Mr. Dulany was induced, on that account chiefly, to propose to me to share in the fee in the cases now pending. I think Mr. Dulany had conversations with me, in which he stated, that I should be as well or better off in the event of his succeeding in these cases.

Question. Were the distributees or representatives of Gooding or Williams to recover any part of the moneys, if recovered on your aforesaid proceedings, as permanent trustee?

Answer. I was to administer the estates according to the insolvent laws, and I can't tell whether there would have been any surplus after paying counsel fees and creditors.

The counsel for the complainant and the counsel for the defendants then announced that they had closed the taking of testimony.

Afterwards G. L. Dulany, Esquire, on behalf of the complainant, appeared before the master, and filed with him the paper herewith returned, marked Complainant's Exhibit, G. L. D. No. 2, which said exhibit was afterwards shown to the counsel for the defendants.

Complainant's Exhibit, G. L. D. No. 2.

Robert Oliver's Executors and
Glenn & Perine
v.
George M. Gill and others.

James W. McCulloh, Surv'g
Trustee of George P. Stevenson,
v.
Oliver's Executors, Glenn,
Perine, Gill, and others.

Nath'l Williams, Perm't Trustee of
John Gooding,
v.
Oliver's Executors, Glenn, Perine,
Gill, and others.

Nathe. Williams, Perm't Trustee of
James Williams,
v.
Same.

John M. Gordon, Perm't Trustee of
John W. Stump,
v.
Same.

Hannah C. Williams, Perm't Trustee
of James W. Williams,
v.
Same.

Thomas P. Alricks, Perm't Trustee
of Lyde Goodwin,
v.
Same.

To the honorable the Court of Appeals for the Western Shore of Maryland.

The petition of Robert M. Gibbes and Charles Oliver, surviving executors of Robert Oliver, showeth, that in the first of the above entitled causes, a decree hath passed by this Court in favor of the executors of Robert Oliver, of whom by the death of their co-executor, Thomas Oliver, your petitioners are now the survivors for the transfer of certain stock, and payment of certain moneys, and performance of certain other things to them, by David M. Perine and John Glenn, trustees; and that in the remaining six of said cases, the decrees passed below were affirmed, and by the tenor thereof, the said David M. Perine and John Glenn, trustees as aforesaid (they being parties to all the causes), were directed to transfer certain other certificates of stock, and pay certain other moneys to your petitioners; and that your petitioners have applied to the said Perine and Glenn for the performance of the said decrees, but that they have declined to perform the same. They pray therefore that an attachment may issue against the said David M. Perine and John Glenn to compel the performance of the said decrees, and that they may have all such other and further relief as their case entitles them to.

(Signed) REVERDY JOHNSON,
J. M. CAMPBELL,
For Oliver's Ex'rs.

14th March, 1850, service of the above admitted.

G. L. DULANY,
Sol'r for Williams, Gill & Alricks,
Trustees, &c. &c.

In answer to the petition, a copy of which is herewith filed, the undersigned says that he has always been ready and willing to pay over the money in hand, and to hand over the stocks standing in his name, in pursuance of the decree passed in these cases. But immediately after the decisions of this honorable Court, the undersigned was notified by Mr. Gill and Mr. Williams, that they, Gill and Williams, intended to apply to the Supreme Court of the United States, from the judgment pronounced by this Court; and this respondent is informed that such appeals have been prosecuted, and the cases are now on the docket of the Supreme Court of the United States, for trial at the next session of said Court, which will be held in April next. This respondent submits, that as he is a mere stakeholder and has as trustee no possible interest in the controversy, that this Court will protect him, as every Chancery Court will protect its officers, and that the more especially as the petitioner is neither of them citizens of the State of Maryland, and is not residing therein. The undersigned files herewith an admission that a copy of said petition has been served on the counsel of all the parties having interest opposed to those of the petitioner.

J. GLENN.

BALTIMORE, March 14th, 1850.

John Glenn, Esq'r, this day gave me notice of an order served on him and David M. Perine, in the Mexican cases; and he desired to indorse thereon admission of service. But I declined to acknowledge service, on the double ground that the order did not extend to or concern my clients, and that the case was not under the cognizance of the Court of Appeals. But Mr. Glenn seemed desirous that I would acknowledge the fact of service on me, as one of the solicitors for Nathaniel Williams, permanent trustee of John Gooding, and as permanent trustee of James Williams, and as the solicitor for John M. Gordon, permanent trustee of John W. Stump, and for Hannah C. Williams, admstrx of James W. Williams; and I now accordingly sign this paper as acknowledgment of said fact.

WM. SCHLEY.

To the honorable the Court of Appeals for the Western Shore of Maryland.

The answer of David M. Perine to the petition of the executors of Robert Oliver, deceased (a copy of which is herewith filed), respectfully showeth, that he has always been ready and willing to transfer the stock standing in the names of John Glenn, Esq., and himself, as trustees, and to pay over all the money in his hands as such trustee, to the parties, and in the manner directed by the decrees passed by this honorable Court in the causes referred to in said petition, and also to perform every other matter or thing required of him by said decrees or any of them. But the reason or cause why your respondent has not done so is, that immediately after the decision of this Court in the cases referred to, your respondent was notified by George M. Gill, Esq., trustee of Lyde Goodwin, and by Nathaniel Williams, Esq., trustee of John Gooding and of James Williams, that they intended to appeal to the Supreme Court of the United States from the judgments and decrees pronounced by this Court in the premises; and this respondent is informed that such appeals have been actually prosecuted, and that the causes are now on the docket of the Supreme Court of the United States for trial, at the next session of said Court, which will be held in April next.

This respondent further states, that all the stock which this respondent and his co-trustee holds was purchased by them as trustees, under the order and directions of Baltimore County Court, sitting as a Court of equity (with the exception of $15,265 23 of United States 5 per cent. scrip, which they received as trustees from the Government of the United States in pursuance of an order of said Court of 27th of November, 1846), as will more fully appear by the order and decree of said Court, copies of which are herewith filed and marked Exhibit A. And that the certificates for said stocks and the dividends or interest received thereon, were deposited by your respondent and his co-trustee in the Mechanics' Bank of Baltimore, on special deposit, from time to time, as the same were received by them, and that the same is now in said Bank so deposited. And your respondent is now ready, and offers to produce, and to deposit and pay into Court, all of said money and certificates in his hands as trustee aforesaid. Your respondent therefore respectfully submits, that as he is a mere stakeholder, and has as trustee no possible interest in the controversy in said cases, and as the funds in controversy are subject to the order and control of this Court, that this honorable Court will protect him, as every Chancery Court does protect its officers in any order or decree this Court may pass in the premises.

All of which is respectfully submitted.

D. M. PERINE.

BALTIMORE, March 18th, 1850.

Filed, 19th March, 1850.

Maryland, *sct.*

I, William A. Spencer, Clerk of the Court of Appeals of Maryland, do hereby certify that the aforegoing is truly taken from the record of proceedings of the Court of Appeals aforesaid.

[SEAL.] In testimony whereof I have hereunto set my hand as Clerk, and affixed the seal of the said Court, this twenty-second day of January, eighteen hundred and fifty-six.

WILLIAM A. SPENCER,
Clerk.

Complainant's Exception to Evidence, and Letters to and from Robert Oliver, and also to part of the Evidence of D. M. Perine.

The complainant's counsel then filed with the master the following exceptions, to wit:

The complainant excepts to the admissibility and relevancy of the depositions of James H. Caustin, Richard Burgess, and John Mason, for the purpose for which the same were offered, as consisting of individual opinion, and not applicable to any issue in this cause; also to the letters of Robert Oliver, and those to him for the purpose of showing the character and value of his services; also to so much of the answers of David M. Perine, which state the differences between the record of proceedings before the Court of Appeals produced by the complainant, and that of the same proceedings in his possession, without the production of the same.

G. L. DULANY,
Complainant's Solicitor.

Defendants' Exceptions to the Record offered in Proof by the Complainant.

Afterwards, the counsel for the defendants appeared before the master, and filed the following exceptions, to wit:

WILLIAMS' ADMINISTRATOR
v.
OLIVER'S EXECUTORS.

GOODING'S ADMINISTRATOR
v.
OLIVER'S EXECUTORS.

The defendants in these causes, and each of them, except to the admissibility in evidence of the record offered in proof by the complainants, and each of them, before the master; because the same is not a full record, and is proved by the complainant's own witness to be a defective record in this, that it does not contain, 1st. The petition of G. M. Gill, trustee of Lyde Goodwin, praying the Court to suspend all proceedings on the decree of the Court of Appeals, said petition having been filed 26th March, 1850. 2d. The decree of the Court of Appeals denying the prayer of the petition.

R. JOHNSON,
J. M. CAMPBELL.
Solicitors for Defendants.

And also filed the following directions for stating accounts, to wit:

Directions for Stating Accounts.

WILLIAMS' ADMINISTRATOR
v.
OLIVER'S EXECUTORS.

GOODING'S ADMINISTRATOR
v.
OLIVER'S EXECUTORS.

The master in these causes, will please to state from the pleadings and proofs the following accounts:

1. An account charging the defendants with the moneys which have actually come to their hands, and crediting them with the moneys actually paid out by them for counsel fees and other expenses, as testified to by Mr. Perine, and also with one-half of the balance, as the compensation of the defendants for Mr. Oliver's services and their own, as testified to by Mr. Caustin.

2. An account charging them as in No. 1, and crediting them with moneys actually paid out by them, for counsel fees and other

expenses, before 1st April, 1852, as testified to by Mr. Perine, and also with one-half of the balance for compensation, as in No. 1.

3. An account charging them as in No. 1, and crediting them with one-half thereof, as compensation, as in No. 1.

4. An account charging the defendants with five-eighths of the moneys actually come to their hands, and crediting them as in No. 1.

5. An account charging the defendants as in No. 4, and crediting them as in No. 2.

6. An account charging them as in No. 4, and crediting them with one-half thereof for compensation, as above mentioned.

7. An account charging them as in No. 4, and crediting them with one-half of the whole moneys actually come to their hands from Glenn and Perine, trustees, on account of Gooding's share and Williams' share, as and for the compensation due the defendants as aforesaid, and also with the moneys paid out by them for counsel fees and other expenses, as testified to by Mr. Perine.

8. An account charging them as in No. 4, and crediting them with one-half of the whole moneys actually come to their hands from Glenn and Perine, trustees, on account of Gooding's share and Williams' share, as and for the compensation due the defendants as aforesaid, and also with the moneys paid out by them for counsel fees and other expenses, before 1st April, 1852, as testified to by Mr. Perine.

9. Also an account charging them as in No. 4, and crediting them as in No. 7, and also crediting them with $2000, paid by Mr. Oliver in 1825 for John Gooding's share, and also the same amount for Williams' share, with interest thereon from the day of payment thereof to the time of taking the account.

R. JOHNSON,
J. MASON CAMPBELL.
Defendants' Solicitors.
(Signed) LEVIN GALE,
Special Master.

The following papers were returned to the court here, by the special Master, with his report, which are not referred to therein.

Order to give Notice to Creditors.

The State of Maryland.

At an Orphans' Court held for Baltimore County, in the courthouse in the City of Baltimore, on the 15th day of July, in the year of our Lord one thousand eight hundred and thirty-five.

Present, James Harward, Benjamin C. Redgate, Esquires; Henry S. Sanderson, Sheriff; D. M. Perine, Register.

Among other proceedings were the following, to wit: On application of Robert M. Gibbes, Charles Oliver, and Thomas Oliver, executors of Robert Oliver, deceased: It is ordered by the Orphans' Court of Baltimore County, that the said executors give the notice required by law, for the creditors to exhibit their claims against the estate of the said deceased, by causing the advertisement thereof to be inserted once a week, for four weeks, in two of the daily newspapers published in the City of Baltimore.

In testimony that the foregoing is a true copy taken from one of the records of the proceedings of the Orphans' Court for Baltimore County, I hereunto subscribe my name, and affix the seal of the said Court, this 15th day of July, in the year of our Lord eighteen hundred and thirty-five. [SEAL.]

Test, D. M. PERINE,
Register of Wills for Baltimore County.

Notice to Creditors.

This is to give notice, that the subscribers, of the City of Baltimore, have obtained from the Orphans' Court of Baltimore County, in Maryland, letters testamentary on the personal estate of Robert Oliver, late of said county, deceased; all persons having claims against the said deceased are hereby warned to exhibit the same, with the vouchers thereof, to the subscribers, at or before the sixteenth day of March next. They may, otherwise, by law, be excluded from all benefit of the said estate. And all persons indebted to the said deceased or his estate are requested to make immediate payment. Given under our hands this fifteenth day of July in the year of our Lord one thousand eight hundred and thirty-five.

ROBERT M. GIBBES,
CHARLES OLIVER,
THOS. OLIVER,
Executors of Robert Oliver, deceased.

Agreement.

In the Circuit Court of the United States, for the District of Maryland.

WILLIAMS' ADMINISTRATOR
v.
OLIVER'S EXECUTORS.

GOODING'S ADMINISTRATOR
v.
OLIVER'S EXECUTORS.

It is hereby agreed that Levin Gale, the master appointed in the above cause, may return a printed statement of the evidence and proceedings before him, to have like effect as if the original evidence duly signed by the witnesses, was returned. It is also agreed, that the several exhibits and papers produced may be filed and returned by the master in either case, and may be used as if produced and filed in both cases.

G. L. DULANY,
Solic'r for Complainants.
R. JOHNSON,
J. M. CAMPBELL,
Defendants' Solicitors.

Defendants' Exceptions.

WILLIAMS' ADM'R
v.
OLIVER'S EXECUTORS.

The defendants in this cause except to the evidence offered before the master by the complainants, in regard to the moneys received by them for Lyde Goodwin's share in the Mexican Company of Baltimore, and said Goodwin's commissions, as inadmissible under the averments of the bill.

R. JOHNSON,
J. MASON CAMPBELL,
Solicitors for Defendants.

Afterwards, to wit, on the first day of May, in the year of our Lord, one thousand eight hundred and fifty-six, the complainant, by his solicitor, filed in the Circuit Court here, the following order, to wit:

Order to enter for the use of G. L. Dulany.

Circuit Court of the United States, for the Maryland District.

JOHN S. WILLIAMS, Adm'r
of JAMES WILLIAMS,
v.
OLIVER & GIBBES, Surv'g
Ex'ors of ROBERT OLIVER.

Mr. Spicer: Please enter the above case as to one-half of whatever may be recovered therein, to the use of Grafton L. Dulany, in fulfilment of my agreement with him.

JOHN S. WILLIAMS,
Administrator of James Williams.

Afterwards, to wit, on the second day of June, in the year of our Lord, one thousand eight hundred and fifty-six, the defendants, by their solicitors, filed in the Circuit Court here, their exceptions to the master's report, in the words following, to wit:

Defendants' Exceptions to the Master's Report.

WILLIAMS' ADM'R
v.
OLIVER'S EXECUTORS.

The defendants in this cause except to the master's report, and to the Account A, returned by him with his said report, upon the following grounds:

1. That the said report and account disallows the fees and other expenses paid by the executors of Robert Oliver, on account of James Williams' share, in resisting the claim of the permanent trustee of James Williams, as an insolvent debtor, to said share, and which fees and other expenses and the amount thereof, are shown by the evidence of D. M. Perine, Esq., a witness for the complainants, taken before and returned by the master.
2. That the said report charges the defendants with the 10 per cent. on the amount of the share of James Williams, shown in the proof to have been received from the trustees, Glenn and Perine, by the Honorable Reverdy Johnson, Esq.
3. That the said report wholly disallows any compensation to the defendants, on account of the services of their intestate and themselves rendered in the recovery of said share, as shown in the proof.
4. That the said report and account charge the defendants with the whole of the share of James Williams, three-eighths of the same having been admitted by agreement to have been distributed and paid over before any claim to the same made by the complainant in this case.
5. That the said report and account charge the defendants with the specific moneys and interest thereon, and stocks and the dividends thereon, received from the trustees, Glenn and Perine, on account of said Williams' share as their specific property, whereas they were, as executors of Robert Oliver, only chargeable with the amount of any claim they might have against said estate, to the extent of any assets which they might be proved to have had in hand at the time of bill filed.
6. That the said report and account allows the share of said James Williams, and the whole and every part thereof, to the complainant, as money and property belonging to the complainant, and received by the defendants in trust for the complainant,—whereas it appears by the proof, that the said share was not received upon any trust for the complainant, and the complainant, if he had any right or title to the same, had adequate remedy at law therefor.

R. JOHNSON,
J. M. CAMPBELL,
Solicitors for Defendants.

Afterwards, to wit, on the sixteenth day of June, in the year of

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our Lord one thousand eight hundred and fifty-six, the complainant, by his solicitor aforesaid, filed in the Circuit Court here his exceptions to the master's report, in the words following, to wit:

Complainant's Exception to the Master's Report.

Circuit Court of the United States.

JOHN S. WILLIAMS, Adm'r of JAMES WILLIAMS,
v.
GIBBES and OLIVER, Ex'rs of ROBERT OLIVER.

The complainant in the above cause excepts to the master's and to the Account A, therewith filed.

Because in and by said Report and Account A, the defendants are not charged with compound interest from the respective times they wrongfully received and treated the money and dividends on stocks as their own, as stated in said account, nor at any other times, but with simple interest only.

G. L. DULANY,
H. W. DAVIS,
Solicitors for Complainant.

Afterwards, to wit, on the twenty-third day of June, in the year of our Lord one thousand eight hundred and fifty-six, the defendants, by their solicitors, filed in the Circuit Court here the following papers, to wit:

Order of Notice to Creditors, Notice and Affidavit of Publication.

The State of Maryland.

At an Orphans' Court, begun and held for Baltimore County, in the Court-house in the City of Baltimore, on the fifteenth day of July, in the year of our Lord one thousand eight hundred and thirty-five.

Present, James Harwood, Benjamin C. Ridgate, Esquires, Henry S. Sanderson, Sheriff, D. M. Perine, Register.

Among other proceedings were the following, viz.:

On application of Robert M. Gibbes, Charles Oliver, and Thomas Oliver, executors of Robert Oliver, deceased, it is ordered by the Orphans' Court for Baltimore County, that the said executors give the notice required by law for the creditors to exhibit their claims against the estate of the said deceased, by causing the advertisement thereof to be inserted once a week, for four weeks, in two of the daily newspapers published in the City of Baltimore.

In testimony that the aforegoing is a true copy taken from one of the records of the proceedings of the (late) Orphans' Court for Baltimore County, which (by virtue of the provisions of the Constitution of the State of Maryland, establishing the Orphans' Court for Baltimore City) are now in my custody.

I hereunto subscribe my name and affix the seal of the [SEAL.] Orphans' Court for Baltimore City, this twenty-first day of June, in the year of our Lord one thousand eight hundred and fifty-six.

Test. N. HICKMAN,
Register of Wills for Baltimore City.

(Indorsed.)

No. 4. This paper, and X Y Z within, is the paper referred to in the 10th Article of the agreement of the 28th Nov., 1853, and is now to be taken as having been filed as of that date with that agreement.

G. L. DULANY,
H. W. DAVIS,
Solicitors for Complainant.

Paper X. Y. Z.

Notice to Creditors.

This is to give notice, that the subscribers, of the City of Baltimore, have obtained from the Orphans' Court of Baltimore County, in Maryland, letters testamentary on the personal estate of Robert Oliver, late of said County, deceased. All persons having claims against the said deceased, are hereby warned to exhibit the same, with the vouchers thereof, to the subscribers, at or before sixteenth day of March next; they may otherwise by law be excluded from all benefit of said estate. And all persons indebted to the said deceased, or his estate, are hereby requested to make immediate payment. Given under our hands this 15th day of July, in the year of our Lord one thousand eight hundred and thirty-five.

ROBERT M. GIBBES,
CHARLES OLIVER,
THOMAS OLIVER,
Executors of Robert Oliver, deceased.

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Affidavit of Publication.

OFFICE OF THE BALTIMORE REPUBLICAN, June 21, '56.

The undersigned, proprietors and publishers of the Baltimore Republican, hereby certify that the annexed advertisement of notice to

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creditors of Robert Oliver, deceased, was published once a week, for four successive weeks, in the Baltimore Republican, one of the daily newspapers printed and published in the City of Baltimore, the first advertisement of said notice being inserted in said paper on the 17th day of July, 1835, and continued weekly in said paper for four continuous weeks.

B. H. RICHARDSON & CO.

Office of the Baltimore American,
June 21st, 1856.

The undersigned, proprietors and publishers of the Baltimore American, hereby certify that the printed advertisement, hereto annexed, of Notice to Creditors of Robert Oliver, deceased, was published once a week for four successive weeks in the American and Commercial Daily Advertiser, one of the daily newspapers printed and published in the City of Baltimore, the first advertisement of said notice being inserted in said paper on the 16th day of July, 1835, and continued weekly in said paper for four continuous weeks.

DOBBIN, MURPHY & BOSE.

We also hereby certify, as purchasers of the Commercial Chronicle, that the above described advertisement of Notice to Creditors of Robert Oliver, deceased, was published in said Commercial Chronicle once a week for four successive weeks, the first advertisement of said notice being inserted in said paper on the 17th day of July, 1835, and continued weekly in said paper for four continuous weeks.

DOBBIN, MURPHY & BOSE.

Office of the Baltimore Patriot,
June 21st, 1856.

The undersigned, proprietor and publisher of the Baltimore Patriot, hereby certifies, that the printed advertisement, hereto annexed, of Notice to Creditors of Robert Oliver, deceased, was published once a week, for four successive weeks, in the Patriot and Commercial Gazette, one of the daily newspapers printed and published in the City of Baltimore, the first advertisement of said notice being inserted in said paper on the 16th day of July, 1835, and continued weekly in said paper for four continuous weeks.

ISAAC MONROE.

Afterwards, to wit, on the twenty-eighth day of June, in the year of our Lord one thousand eight hundred and fifty-six. The Circuit Court here made and passed the following order, to wit:

Order of Reference back to the Master.

Williams, Adm. of Williams,
v.
Oliver's Executors.
} In Equity.

Ordered, this 28th day of June, 1856, that the account stated in this case by the master, marked A, is overruled and set aside. And the master will state a further account, charging the defendants with the money and dividends received by them, as shown in Account B, heretofore stated by him. Also with the United States six per cent. loan actually transferred to them, as shown by said Account B.

He will then credit the defendants with the amount of the costs and fees paid by them, as shown in page 23 of the printed evidence returned by the master, with his report down to, and inclusive of, the item charged March 13th, 1852; less the four items first charged in said account; and he will further credit them with 35 per cent. on the amount of the said money and stocks so ascertained, as compensation to which said defendants are equitably entitled for the recovery of this fund.

WILLIAM F. GILES.

On the same day the master filed in the Circuit Court here, his second report, in the words and figures following, to wit:

Master's 2d Report.

In the Circuit Court of the United States for the Fourth Circuit, in and for the District of Maryland.

John S. Williams, Adm. of James Williams,
v.
Robert M. Gibbes, and Charles Oliver, Ex'ors of Robert Oliver.

To the Honorable the Judges of the Circuit Court of the United States, for the Fourth Circuit, in and for the District of Maryland. The undersigned, special master, to whom this cause was referred back, respectfully reports: That in obedience to the order of this Court, he has stated the annexed account, marked L, charging and crediting as is directed in the order of the 28th of June, 1856.

All of which is respectfully submitted.

LEVIN GALE.

Account L.

Being the Account directed to be stated by the Court by Order, dated 28th June, 1856.

To amount of money and dividends received by the executors of Robert Oliver, as shown by Account B, . .		$17,540 37
Deduct amount of costs and fees paid by the executors up to 13th March, 1852,	2,791 39	

Less amount of first four items,	$500 00	
		$2,291 39
		$15,248 98
Deduct 35 per cent. thereof for compensation,		5,337 14
		$9,911 84
To amount of six per cent. loan, actually transferred to the executors of Oliver, as shown by Account B,		$29,563 00
Deduct 35 per cent. thereof as compensation,		10,347 05
		$19,215 95
To amount due by defendants to complainant in money,		9,911 84
To amount due by defendants to complainant in certificates of United States 6 per cent. loan,		19,215 95

Afterwards, on the 2d day of July, 1856, the master filed in the Circuit Court here his third report, in the words and figures following, to wit:

Master's 3d Report.

In the Circuit Court of the United States for the Fourth Circuit in and for the District of Maryland.

JOHN S. WILLIAMS, Administrator of
JAMES WILLIAMS,
v.
ROBERT M. GIBBES and CHARLES OLIVER,
Executors of ROBERT OLIVER.

To the Honorable the Judges of the Circuit Court of the United States for the Fourth Circuit in and for the District of Maryland.

The undersigned, special master, to whom this cause was referred back, respectfully reports, that in obedience to the order of this Court, he has stated the annexed Account M, charging and crediting as is directed by the order of the 28th of June, 1856, and charging the dividends since said order was passed.

All of which is respectfully submitted.

LEVIN GALE.

July 2d, 1856.

Account M.

Being the Account directed to be stated by the Court by the Order of 28th June, 1856.

To amount of money and dividends received by the executors of Robert Oliver, as shown by Account B, .		$17,540 37
To dividend on 6 per cent. loan, 1st July, 1856, ...		886 89
		$18,427 26
Deduct amount of costs and fees paid by executors up to 13th March, 1852, .	$2,791 39	
Less amount of first four items, . .	500 00	2,291 39
		$16,135 87
Deduct 35 per cent. of $18,427 26 as compensation, ...		6,449 54
		$9,686 33
To amount of six per cent. loan actually transferred to the executors of Oliver, as shown by Account B, . .		29,563 00
Deduct 35 per cent. thereof as compensation, ...		10,347 05
		$19,215 95
To amount due by defendants to complainant in money, ...		9,686 33
To amount due by defendants to complainant in certificates of United States six per cent. loan, . . .		19,215 95

Afterwards, on the same day, the Court here made and passed the following decree, to wit:

Final Decree.

WILLIAMS, Administr'or of WILLIAMS,
v.
OLIVER'S EXECUTORS.

This cause coming on for final hearing upon the master's report this day filed, embodying the instructions heretofore given him by the Court, the proceedings were read and considered, and the solicitors of the parties heard.

It is thereupon, this second day of July, A. D. 1856, by the Circuit Court of the United States, for the Maryland District, in equity sitting, adjudged, ordered, and decreed, that the defendants do pay to the complainant the sum of $9,686 33 (nine thousand six hundred and eighty-six dollars and thirty-three cents), and also transfer to the complainant $19,215 95 (nineteen thousand two hundred and

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fifteen dollars and ninety-five cents) of the United States six per cent. stock, mentioned in the evidence and the master's report, and also pay to the complainant his costs of suit, to be taxed by the clerk, including the sum of two hundred and fifty dollars which is hereby allowed as compensation to Master Gale for his services rendered in this cause.

WILLIAM F. GILES.

From which said decree, so as foresaid passed, the said John S. Williams, administrator of the said James Williams, by his solicitor, in open Court here, prayed an appeal to the Supreme Court of the United States, to be held at the City of Washington, on the first Monday in December next, and to him it is granted.

And also from which said decree, so as aforesaid passed, the said Charles Oliver and Robert M. Gibbes, surviving executors of Robert Oliver, by their solicitors, in open Court here, prayed an appeal to the Supreme Court of the United States, to be held at the City of Washington, on first Monday in December next, and to them it is granted.

Thereupon, it is ordered by the Court here, that the record and proceedings aforesaid, with all things relating to the same, be transmitted to the said Supreme Court, and the same are hereby transmitted accordingly.

Complainants' Appeal Bond for Costs.

Know all men by these presents, that we, John S. Williams and Grafton L. Dulany, are held and firmly bound to Charles Oliver and Robert M. Gibbes, executors of Robert Oliver deceased, in the sum of three hundred dollars, to be paid to the said Charles Oliver and Robert M. Gibbes, executors as aforesaid, or to their certain attorney, executors, and administrators, or assigns, to which payment, well and truly to be made, we bind ourselves, and each of us, and each of our heirs, executors, and administrators, jointly and *and* severally, firmly by these presents. Sealed with our seals this 23d day of October, A.D. 1856.

Whereas in a cause heretofore depending on the Equity side of the Circuit Court of the United States for the Maryland District, between the said John S. Williams, administrator of James Williams, deceased, complainant, and the said Charles Oliver and Robert M. Gibbes, executors of said Robert Oliver, as defendants, it was on the 2d day of July, A. D. 1856, adjudged, ordered, and decreed, that the said defendants should pay to the complainant only the sum of nine thousand seven hundred and one dollars and ninety-nine cents; and also transfer to the complainant only nineteen thousand two hundred and fifteen dollars and ninety-five cents, six per cent. stock; and also pay to the complainant his costs of suit: from which decree complainant hath appealed to the Supreme Court of the United States.

Now the condition of the above obligation is such, that if the said appellant shall not prosecute his appeal with effect, and in case said decree shall be affirmed by the Supreme Court of the United States, shall well and truly pay to said appellees all such costs as may be decreed to them by the said Court, then this obligation to be void; otherwise to be and remain in full force and virtue in law.

GRAFTON L. DULANY, [SEAL.]
JOHN S. WILLIAMS. [SEAL.]

Signed, sealed, and delivered in presence of
JAMES W. CHEW.

Bond approved, 10th November, 1856.
WILLIAM F. GILES.

Defendant's Appeal Bond.

Know all men by these presents, that we, Robert M. Gibbes, Columbus O'Donnell, and David M. Perine, are held and firmly bound unto John S. Williams, administrator of James Williams, in the full and just sum of sixty-five thousand dollars, to be well and truly paid to the said John S. Williams, administrator, as aforesaid, or to his certain attorney, executors, administrators, and assigns, to which payment, well and truly to be made and done, we hereby bind ourselves, and each of us, our and each of our heirs, executors, and administrators, jointly and severally, firmly by these presents.

Sealed with our seals, this ninth day of July, in the year of our Lord one thousand eight hundred and fifty-six.

Whereas in a cause heretofore depending on the Equity side of the Circuit Court of the United States for the Maryland District, between the said John S. Williams, administrator as aforesaid, as complainant, and the said Robert M. Gibbes and Charles Oliver, surviving executors of Robert Oliver, deceased, as defendants: it was, on the second day of July, A. D. eighteen hundred and fifty-six, adjudged, ordered, and decreed, that the said defendants do pay to the said complainant the sum of nine thousand six hundred and eighty-six dollars and thirty-three cents; and also transfer to the complainant nineteen thousand two hundred and fifteen dollars and ninety-five cents of United States six per cent. stock; and also pay to the said complainant his costs of suit, from which decree the said defendants have appealed to the Supreme Court of the United States.

Now the condition of the foregoing obligation is such, that if the said appellants shall prosecute the said appeal with effect, and in case said decree be affirmed by the Supreme Court of the United States, shall well and truly in all things perform and fulfil the said decree, then this obligation to be void; otherwise to be and remain in full force and virtue in law.

R. M. GIBBES, [SEAL.]
COLUMBUS O'DONNELL, [SEAL.]
D. M. PERINE, [SEAL.]

Signed, sealed, and delivered
in the presence of Tho's W. Jarvis,
As to R. M. Gibbes.
Henry A. Robinson,
As to Columbus O'Donnell and
D. M. Perine.

Bond approved, July 14th, 1856.

WILLIAM F. GILES.

In testimony that the aforegoing is a true copy taken from the record and proceedings of the Circuit Court aforesaid, I hereunto subscribe my name and affix the seal of the said Circuit Court, this twenty-fifth day of November, in the year of our Lord one thousand eight hundred and fifty-six.

[SEAL.]

THO. SPICER,
Circuit Court Clerk.

[Rec. lxxxvi–vii. D. T. 1856.]—32